



TRAFFICKING IN CHILDREN IN KOSOVO

A study on protection and assistance provided to children
victims of trafficking

For every child
Health, Education, Equality, Protection
ADVANCE HUMANITY

TRAFFICKING IN CHILDREN IN KOSOVO

**A study on protection and
assistance provided to children
victims of trafficking**

ACKNOWLEDGEMENTS

Warmest thanks to the children survivors of trafficking, whose participation played a critical role in this study. By sharing their personal opinions and experiences, their contribution has given the research an invaluable child's perspective.

Appreciation also goes to the members of the steering board who were involved as reference and resource persons in all stages of the research; from providing input during the development of the methodology and throughout the research phase, to commenting on the final report. The members of the steering board in alphabetical order were: Center for the Protection of Victims and Prevention of Trafficking in Human Beings, Center for the Protection of Woman and Children, Department of Social Welfare (Ministry of Labor and Social Welfare), Hope and Homes for Children, International Organization for Migration, Office of the Prime Minister (Office of Good Governance, Human Rights, Equal Opportunity and Gender), Save the Children in Kosovo, UNMIK Trafficking and Prostitution Investigation Unit and Victim's Advocacy and Assistance Unit (Department of Justice).

Rut Feuk and Nora Demiri
UNICEF consultants

ABBREVIATIONS AND ACRONYMS

AI	Amnesty International
CPVPT	Center for Protection of Victims and Prevention of Trafficking in Human Beings
CPWC	Center for Protection of Woman and Children
CRC	Convention on the Rights of the Child
CSW	Center for Social Work
DHS	Demographic and Health Service, Statistical Office of Kosovo
DOJ	Department of Justice
DSW	Department of Social Welfare
FYROM	Former Yugoslav Republic of Macedonia
IG	Institute of Guardianship
ILO	International Labour Organization
IOM	International Organization for Migration
ISF	Interim Secure Facility
KFOR	The Kosovo Forces (NATO)
KIPH	Kosovo Institute of Public Health
OSCE	Organization for Security and Cooperation in Europe
PCCK	Provisional Criminal Code of Kosovo
PCPCK	Provisional Criminal Procedure Code of Kosovo
KPA	Kosovo Plan of Action
KPS	Kosovo Police Service
KWN	Kosovo Woman's Network
LMFR	Law of Marriage and Family Relations
LSMS	Legal Systems Monitoring Section (OSCE)
LMO	Law on Minor Offences
MEST	Ministry of Education, Science and Technology
MH	Ministry of Health
MLSW	Ministry of Labor and Social Welfare
MYCS	Ministry of Youth, Culture and Sport
NATO	North Atlantic Treaty Organization
NGO	Non-governmental organization
OPM	Office of the Prime Minister
OSCE	Organization for Security and Co-operation in Europe
RAE	Roma, Ashkalie and Egyptians
SEE	South Eastern Europe
SITAN	Situation Analysis of children and women in Kosovo, UNICEF
SOPs	Standard Operating Procedures
SRSg	Special Representative of the Secretary General
TPIU	Trafficking and Prostitution Investigation Unit, UNMIK Police
TraCCC	Transnational Crime and Corruption Center
UMCOR	United Methodist Committee on Relief
UNICEF	United Nations Children's Fund
UNIFEM	United Nations Development Fund for Women
UNICRI	UN Interregional Crime and Justice Research Institute
UNMIK	United Nations Interim Administration Mission in Kosovo
VAAU	Victim Advocacy and Assistance Unit, Department of Justice
WPU	Witness Protection Unit, Department of Justice

TABLE OF CONTENTS

Acknowledgements	iii
Abbreviations and Acronyms	iv
List of text boxes	vi
UNICEF/Stability Pact Guidelines	vi
List of tables	vi
Executive Summary	1
PART I: INTRODUCTION AND BACKGROUND	3
1. INTRODUCTION	4
1.1 The context of trafficking in Kosovo	6
1.2 Situation of vulnerable groups in Kosovo	8
1.3. Methodology	10
2. LEGISLATION AND POLICY	13
2.1 International legislation	13
2.2 Domestic legislation	14
2.3 Ministerial Policies	15
PART II: TRAFFICKING IN CHILDREN AND WOMEN	17
3. TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION	18
3.1 Kosovar victims	18
3.2 Foreign victims	20
4. TRAFFICKING FOR OTHER PURPOSES THAN SEXUAL EXPLOITATION	22
5. STATISTICS ON NUMBERS OF IDENTIFIED TRAFFICKING CASES	25
PART III: ASSISTANCE AND PROTECTION	29
6. THE UNICEF/STABILITY PACT GUIDELINES	30
7. ASSISTANCE AND SERVICES DURING IDENTIFICATION AND REFERRAL	31
7.1 UNICEF/Stability Pact Guidelines	31
7.2. Services available	32
7.3. Views of children	41
7.4 Analysis of services available	43
7.5 Recommendations: identification and referral phase	44
8. ASSISTANCE AND SERVICES DURING THE SHELTER PERIOD	46
8.1 UNICEF/Stability Pact guidelines	46
8.2 Services available	46
8.3 Views of children	47
8.4 Analysis of services available	48
8.5 Recommendations: shelter phase	48
9. REINTEGRATION AND LONG TERM ASSISTANCE	49
9.1. UNICEF/Stability Pact guidelines	49
9.2. Services available	50
9.3. Views of children	51
9.4. Analysis of services available	52
9.5. Recommendations: reintegration	53
10. CRIMINAL JUSTICE PROCEDURES	53
10.1 UNICEF/Stability Pact guidelines	53
10.2 Services available	54
10.3 Views of children	56
10.4 Analysis of services available	57
10.5 Recommendations: court cases	57
PART IV: MAIN RECOMMENDATIONS	58
ANNEX A. List of participating actors	66
ANNEX B. Steering Board members	67
ANNEX C. Guiding questions for children victims of trafficking	68
ANNEX D. Questionnaires for Centers for Social Work	69

LIST OF TEXT BOXES

Text box I: Introductory definitions	4
Text box II: Impact of armed conflicts on women's and children's vulnerability to trafficking	9
Text box III: Case study	11
Text box IV: The working of the tax registration, sanitary and labor inspection	16
Text box V: The situation of Roma in the Balkans	19
Text box VI: Report from the airport	24

UNICEF/STABILITY PACT GUIDELINES

1) Identification	31
2) Appointment of a Guardian	31
3) Questioning, Interviews and Initial Action	32
4) Referral and Coordination/Cooperation	32
5) Interim Care and Protection	46
6) Regularization of Status	46
7) Individual Case Assessment and Identification of a Long-term Solution	49
8) Implementation of a Durable Solution	49
9) Access to Justice	53
10) Victim/Witness Security and Protection	54

LIST OF TABLES

Table 1: Number of victims of trafficking identified by the TPIU	25
Table 2: Numbers of children victims of trafficking assisted by the CSWs with breakdown per sex and purpose of exploitation	25
Table 3: Numbers of victims of trafficking assisted by the CSWs with breakdown per year, age and nationality	26
Table 4: Numbers of victims of trafficking assisted by IOM, breakdown per year, nationality and age	26
Table 5: Compiled data from five local NGOs on assisted children victims of trafficking	27
Table 6: Numbers of victims of trafficking assisted by CPWC	27
Table 7: Number of completed trafficking cases	56

EXECUTIVE SUMMARY

Aims of the research

The aims of this study are twofold; the first related to statistics and data of identified cases of trafficking in Kosovo¹, with focus on children, and the second related to the services provided to victims of trafficking including procedures followed when the victim is a child. The study includes a component assessing the current degree to which the "UNICEF/Stability Pact Guidelines for the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe" (May 2003) are implemented in Kosovo. The UNICEF guidelines, signed by Kosovo UNMIK representatives in December 2003, cover all stages of assistance, from initial identification through the child's final recovery and re-integration and aim to set out standards with respect to protection and assistance of children victims of trafficking.

Situation analysis

Kosovo is currently a place of origin, destination and internal trafficking in girls and women for sexual exploitation. Whereas the existence of trafficking into Kosovo of foreign women and girls has been known since 1999, the existence of trafficking in Kosovar women and girls has only recently been fully acknowledged.

The actors working in the field of counter trafficking in Kosovo agree that while the numbers of identified and assisted foreign victims of trafficking has decreased over the last two years, internal trafficking in Kosovar women and children has drastically increased and a high percentage of victims are girl children. Since the numbers of foreign women working in Kosovo has remained constant, this has led to some questioning about the efficiency of the current identification strategies.

When looking at the family backgrounds of children victims of trafficking, it is clear that they come from the most vulnerable groups

in society. In most cases poverty, dysfunctional families, low education and traditional values that discriminate against women and girls have created an environment where the victim has already experienced domestic or sexual violence. Such backgrounds make women and girls more vulnerable to trafficking, and an obstacle to their reintegration into society, exposing them to re-trafficking.

In relation to trafficking in children for exploitation other than sexual, little information exists and so far only a few cases of children trafficked for begging have been identified and assisted.

Services provided to children victims of trafficking and procedures followed

Children survivors of trafficking related that they had been through long interviews with many different actors after their identification. Often the children did not know the purposes of the interviews or who was conducting them. Some of the children expressed that they had felt very uncomfortable during the interviews.

Children who had been reunified with their families were living in isolation from the rest of the community and were pessimistic about the future. They were mostly staying at home, with very limited educational or recreational activities. They expressed the desire to meet people during the day, go to work or enroll in a vocational training program.

In general, there is a lack of awareness as to the definition of a 'child' as a person under the age of 18, among most actors in Kosovo involved in the different stages of assistance to trafficked victims. This raises severe concerns, as all children victims of trafficking, according to the international human rights framework, are entitled to specialized treatment, in all stages of the assistance process, from identification to reintegration. Among some of the actors, involved in direct assistance to trafficking victims, it was possible to distinguish prejudicial views related to women and prostitution, which

may influence the ways that trafficking victims are treated. Also, in some cases a paternalistic way of viewing and treating the victims has been observed, which may perpetuate the girls' feeling of shame and guilt making it more difficult to recover from the trauma.

There is a prevailing concern that there are children who are camouflaged under false identities of adult women and thus are not treated as children.

Some children are currently working in bars where prostitution is suspected to be taking place. A unified strategy should be employed by law enforcement in cases where children are suspected to be working in hazardous environments.

As there are a lack of clear guidelines the treatment of children victims of trafficking (and presumed children victims) and procedures followed by law enforcement, depends to a great extent on the awareness of each individual officer. For example, children go through the same types of interviews as adult women. There are also grave concerns related to the length and numbers of interviews children victims of trafficking go through before being transferred to a shelter.

Many children have been referred to domestic violence shelters, which are not designed to cater to the needs of children trafficking victims. The assistance provided to trafficking victims in the domestic violence shelters is inadequate. At the same time, the children become isolated, as persons of different ages and very different experiences surround them.

Additionally there is a lack of alternatives for children who refuse to live in a shelter after they have been identified as (or presumed to be) victims of trafficking, which means that in the case that they are not able to go back to their families, they may not have any options except for returning to the bar.

Currently no long-term solutions exist for children victims of trafficking in Kosovo, apart from staying in a shelter. This has meant that the great majority of children vic-

tims have been reunified with their families. Foreign children victims of trafficking are repatriated by IOM to their countries of origin. There is however great concern that the lack of adequate assessment causes negative impact on family reunification, both in the case of Kosovar and foreign victims.

It has also been noted that there is a lack of long-term support and continuous monitoring of children victims of trafficking who have been reunified with their families. This should be a priority as these girls are very vulnerable to being re-trafficked.

While the Provisional Criminal Procedure Code and the Juvenile Justice Code provide special measures to protect children witnesses, there is no mechanism in force to ensure that children witnesses in trafficking cases get the appropriate support and preparation prior to a court case.

A set of recommendations to improve the protection system are presented at the end of each chapter and a summary of the main recommendations can be found in Part IV of this study.

Part 1:

INTRODUCTION AND BACKGROUND

1. INTRODUCTION

The decision of UNICEF to carry out a study on child trafficking in Kosovo originated from the "Kosovo Conference to Combat Trafficking in Human Beings", held in Prishtina/Pristina in October 2003 organised by the Office of the Prime Minister, Ministry of Labor and Social Welfare, Department of Justice, Center for the Protection of Women and Children, OSCE, IOM, Save the Children, UMCOR and UNICEF.

During this conference the importance of identifying and collecting accurate data on child victims of trafficking in Kosovo was highly stressed². Additionally, under the guidance of the "UNICEF/Stability Pact Guidelines for the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe" (May 2003) the need to support the government with regards to services and assistance provided to children victims of trafficking, both foreign and Kosovar, has been recognised. Covering all stages of assistance, from initial identification through the child's final recovery and re-integration, these guidelines aim to set out standards for good practice with respect to protection and assistance of children victims of trafficking.

TEXT BOX I: INTRODUCTORY DEFINITIONS

Trafficking in human beings is the act of recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation either within or outside a country.

A child is any person under 18 years of age

The issue of trafficking in Kosovo escalated as a crime from 1999, but for long was seen as affecting only foreign women and children. Whereas, during the first years after 1999, the crime was mostly related to foreign teenage girls and women trafficked into Kosovo, the existence of trafficking in women from Kosovo seems to be growing.

Since 1999 women and girls have been trafficked into Kosovo for the purposes of sexual exploitation, therefore counter trafficking efforts have been developed as a response to this. Although there is little extant data to prove the existence of trafficking for other types of exploitation, a few victims have been identified. However, increasing numbers of children begging on the streets have raised concerns that some of them may be (or are) at risk of becoming victims of trafficking.

AIM AND FOCUS OF THE STUDY

The present study has the following objectives:

1. To analyse the magnitude, characteristics and root causes of trafficking in children in Kosovo.
2. To analyse figures on the number, origin and other socio-educational data of children victims of trafficking.
3. To analyse the procedures followed by the different actors involved in the protection of children victims of trafficking.
4. To analyse the services available for children victims of trafficking on the basis of UNICEF/Stability Pact "Guidelines for the protection of the rights of children victims of trafficking" (May 2003).
5. To present recommendations for the provision of protection and prevention services for children victims of trafficking or those at risk of being trafficked.

In relation to the first and second objectives, part one of the study provides a situation analysis of trafficking, with focus on children victims, within, to and out of Kosovo, including data on profiles of the victims, and the way they are recruited and exploited. Another chapter presents statistics on the cases of trafficking that have been identified so far in Kosovo.

TRAFFICKING AND TRENDS IN THE BALKAN REGION

In relation to objective 3 and 4, the different stages of victim's assistance in Kosovo from identification to final reintegration are described, with focus on special procedures for children. This part includes a component assessing the current degree that the "UNICEF/Stability Pact Guidelines for the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe" (May 2003) are being followed in Kosovo and includes recommendations on how the guidelines could be improved and adapted to Kosovo.

In connection to objectives 3 and 4, interviews were carried out with children survivors³ of trafficking, in shelters and those reunified with their families. The objective of interviewing children was to include a child perspective of the assistance and protection provided to them. The second aim of the interviews was to ask them about their current situation and their thoughts about the future. Children survivors of trafficking are the only informants who can honestly describe how they feel about the assistance they received. Involvement of children in assessment of the services offered to them opens avenues for improvement and adjustment on the current situation.

Child victims of trafficking are the focus of this report. However, in order to focus on children, the context of trafficking in human beings as an overarching crime has to be understood. Therefore, valid data for general trafficking cases will be presented in the report, when important for the overview and understanding of the issue.

As most efforts to combat trafficking in Kosovo have been focused on trafficking for sexual exploitation and the majority of cases identified have been of this nature, this report will mostly focus on trafficking for sexual exploitation. However, following concerns raised regarding the possible existence of trafficking in children for the purpose of exploiting them in different types of labor, the study also aims to investigate this issue.

Trafficking in human beings is an organized regional crime. The crime involves a chain of people with different roles, who are often located in or moving between different countries. A victim of trafficking is often moved over a border, but can also be moved within a country. The crime of trafficking is commonly divided into two categories depending on the main purpose of exploitation. Trafficking for sexual exploitation involves the forcing of the victims into different types of sexual activities for the traffickers' benefit, and the trafficking for the purpose of forced labour involves all types of activities ranging from begging, to domestic work, for the benefit of the trafficker⁴.

In the regional context of South Eastern Europe - when it comes to child trafficking - there are mainly two types that have been identified. Girls under 18 (mostly between 15-17) are trafficked for sexual exploitation, whereas girls and boys under the age of 13 are trafficked for the purpose of earning money by begging, selling things or washing car windows⁵. According to previous research in the region, it seems that girls who were originally trafficked for other purposes of exploitation than sexual, are often sexually exploited once they reach certain age⁶. For example, teenage girls are trafficked with the purpose of forcing them into prostitution for being female, rather than for being children. Likewise, smaller children are trafficked for begging, as small children make most people feel more pity towards them than begging teenagers.

The trends of trafficking are changing continuously as the trafficking rings seem to react quickly to both demand and law enforcement responses. According to research carried out in South Eastern Europe between 2002-2003, the majority of the foreign women working in the sex industry were victims of trafficking (according to the Palermo definition)⁷. During 2002 an estimated 35 percent of the total numbers of victims of trafficking were identified and assisted, whereas in 2003, this percentage was estimated to have decreased drastically⁸.

Thus, several actors have questioned the efficiency of the identification mechanisms currently used by law-enforcement in the region⁹. The police, being the main actor responsible for the identification of victims of trafficking, are still using vague criteria as a basis for identification which seems to exclude large numbers of trafficking victims¹⁰. Whereas the traffickers are using more and more sophisticated methods, the police are lagging behind in developing strategies for identifying victims and punishing traffickers¹¹.

A new trend observed is that women trafficked into the sex industry are apparently being paid more than in earlier years. The limited alternatives of earning an income in the home countries of the trafficked women, (who often are responsible for sending money to entire families), and the stigma attached to having worked in prostitution (voluntarily or not) often results in women not identifying themselves as victims when approached by police.

1.1 THE CONTEXT OF TRAFFICKING IN KOSOVO

TRAFFICKING FOR SEXUAL EXPLOITATION IN KOSOVO BEFORE AND AFTER 1999

Before 1999, only a few establishments in Kosovo existed which were known to be brothels or strip bars where mainly foreign women worked. It was alleged that foreign men frequented the hotels housing prostitutes, while Kosovo Albanians frequented some five other places operating as brothels¹². With the first influx of international journalists and aid workers in 1998, the numbers of brothels increased¹³. According to the 'Provisional Criminal Code' Article 201 (Facilitation of Prostitution), which came into power on 6 April 2004, 'pimping' including recruitment, assisting, organizing and providing of premises for the purpose of prostitution, is punish-

able by law¹⁴. The applicable law related to provision of prostitution services is the 'Kosovo Law on Public Peace and Order', Article 18 (8), which creates a minor offence of prostitution¹⁵. This law has affected victims of trafficking who have previously not been recognised by law-enforcement and who have had to appear at a minor offence court.

Before the war, there was no apparent awareness of the existence of trafficking, with only women's organizations working with domestic and sexual violence cases. This makes it difficult to determine if any of the women working in these bars before the war were victims of trafficking. The existence of brothels and some bars where prostitution services were provided was mostly overlooked by law-enforcement. The issue of children being forced to work inside these establishments does not seem to have been viewed as a major concern before 1999. After 1999, there was a sudden wave of foreign women entering the country. As one woman's NGO representative said: "You could stand at the check point and see taxi after taxi passing the border with Moldavian and Bulgarian women inside". In this period, many of the local women's NGOs came into contact with foreign women and girls who had been victims of trafficking

THE DEMAND FOR PROSTITUTION SERVICES AND AN INCREASED SEX-INDUSTRY

The UN Security Council Resolution 1244/99 of June 1999, provided for the installation of an international peacekeeping force (KFOR) and a UN interim civilian administration (UNMIK). Following the intervention of NATO forces in 1999, the international staff working with NATO (which initially consisted of 40,000 troops) the UN administration and over 300 international organizations and NGOs increased drastically¹⁶. After 1999, there was an exponential increase of establishments where prostitution services were offered plus an escalation of trafficking into Kosovo. There is no doubt that the presence of numerous international men after the war increased the demand for sexual services,

which contributed to the increase in prostitution and trafficking for the purposes of prostitution in Kosovo. At the same time, Kosovar Albanians returned from abroad with wealth and contributed to the demand for sexual services¹⁷. The increase in demand for prostitution was combined with a post conflict and transitional environment, where the police and criminal justice system was unable to respond quickly enough to the increase in organized crime.

The majority of international men in Kosovo are employed in jobs which make them able to pay large sums for prostitution services. However, many of these men are working for agencies with a special mandate to protect the population of Kosovo. The United Nations (UN) and the Organisation for Security and Cooperation in Europe (OSCE) employees are prohibited from frequenting bars which are listed by UNMIK "Trafficking and Prostitution Investigation Unit" (TPIU) in the so called 'off-limit list'¹⁸. However, the punishing of UN personnel who have been found in off-limit bars, seem to have been quite inefficient¹⁹. The criteria for including a bar on the off-limit list is vague and varies between the TPIU offices in the different regions²⁰, which can be seen by the fact that, in Prishtina/Pristina the number of off-limit bars in April 2004 was 14, whereas in Prizren it was 80²¹. This may mean that there are establishments that are not included in the off-limit list, where prostitution services are offered and where trafficking victims may be forced into prostitution.

According to applicable law in Kosovo and most codes of conducts covering employees of international organizations, it is illegal to buy sex in cases where the buyer is aware that the woman is a victim of trafficking²². Since no guidelines exist on assessment of forced versus voluntary prostitution, it is practically impossible for a potential sex buyer to determine whether a woman engaged in prostitution is working voluntarily, leaving the decision up to individual discretion. In relation to children, the same concern prevails, as it could be difficult for a potential sex buyer to determine the age of a person providing sexual services. Until now, there has been only one case of a man convicted for knowingly purchasing prostitution services from a victim of trafficking²³.

The problem stems from attempting to prove if the buyer 'knowingly' bought services from a victim of trafficking. This is almost impossible to prove.

Given the difficulties in assessing if a brothel is managed by a criminal ring and if a woman is providing sexual services voluntarily or not, there have been proposals to ban peace keeping personnel worldwide from purchasing sex services during their mission. Total prohibition would minimize the chances that trafficking victims are exploited by and criminal rings profit from members of the peace keeping force²⁴.

According to a recent position paper on "Human Trafficking and UN Peace Keeping" by the UN Department for Peace Keeping Operations:

"In many mission areas it may be extremely difficult to differentiate between trafficking victims and local prostitution. Prostitution may be present owing to local poverty conditions and the need for access to income for poor families. These scenarios may or may not involve trafficking, but are likely to be highly exploitative nonetheless. It thus becomes very difficult to differentiate between trafficking victims, particularly victims of domestic trafficking, and vulnerable individuals in local populations that have had to resort to prostitution for income. The use of prostitutes by UN personnel in these environments is an exploitative activity."²⁵

While this statement outlines the problem, there is still a lack of clarity as how to discern between trafficked victims and those working voluntarily, and how to combat exploitation.

As far as the domestic demand for prostitution services concerns, it seems as if it has increased considerably with the increased supply of such services. TPIU reports that the majority of clients in the bars today are domestic and information from interviews conducted by IOM with identified victims confirm this situation²⁶.

1.2 SITUATION OF VULNERABLE GROUPS IN KOSOVO

THE SITUATION OF CHILDREN IN KOSOVO

Kosovo is still predominantly considered a rural society, with 55-60 percent of the population depending on agriculture²⁷. At the same time, there has been a great influx of people from the countryside to the urban areas, a situation which must be taken into account when discussing the situation of children in Kosovo. It also must be recognised that Kosovo Serbian communities, after the conflict of 1999, have been mainly living in enclaves leading isolated lives with restricted movement and thus also restricted opportunities.

Schooling

It is estimated that 45 percent of the schools in Kosovo were destroyed during the conflict of 1999²⁸. With the continuous migration of people from rural to urban areas after 1999, some schools were put under time and spatial pressure. There are great gender and ethnic disparities in both school enrolment and retention rates. If a family is forced to choose between the children whom to send to school, they will in most cases chose the boy²⁹. Whereas enrolment rates for primary school are almost universal a dramatic increase has been noted in the number of girls leaving the school system from the age of 11 in Kosovar Albanian community³⁰. School enrolment rates are considerably lower among non-Serbian minorities (including RAE, Turkish, Bosniaks); with only 77 percent of children (6-14) enrolled in schools³¹. According to a recent UNICEF study, children interviewed from RAE communities associated schooling with violence and reported harassment and humiliation from other students and teachers³².

After the suspension of the autonomy of Kosovo in 1989, most Albanians children

were expelled or withdrew from the formal schooling system. The Albanian community developed a "parallel" educational system, which was financed by support from Albanians abroad as well as by a separate tax system. During this time, the enrolment rates decreased, especially among girls, meaning that currently many teenage girls have very low education levels³³. The illiteracy rates of girls between 16-19 are higher than among all other age groups³⁴ and this is the age group that is most vulnerable to trafficking for sexual exploitation.

Economic situation

Many families in Kosovo are living in very poor conditions. The unemployment amounts to 54.3 percent (41.1 percent for men and 78.4 percent for women)³⁵ and the youth unemployment rate, for the age group 15-19 is 85 percent³⁶. Because of the seriously bad economic situation, many children are working, (often) in parallel to regularly attending school. Even if the children still go to school, their learning is affected as they do not get appropriate rest or time to study. UNICEF has recently concluded a study, looking at the link between schooling and child labour³⁷. According to the study, no working Kosovar Serbian children and very few working Kosovar Albanian children reported to have dropped out of school. At the same time only 61 percent of working RAE children reported to be attending school, and Roma children were reportedly engaged in the most dangerous types of child labour³⁸.

Domestic violence

In post war times as well as in crisis situations, an increase in violence against women has been noted due to a combination of factors including weakened structures, harsher economical and security conditions and a normalization of the use of violence to solve conflicts. According to a UNIFEM Domestic Violence study carried out in Kosovo in 2000, 23 percent of the sample population had experienced physical violence from a male partner or a family member and in 44 percent of the cases this violence had started between 1998 and 1999³⁹. Due to tradi-

tional influences, the police and CSWs are reluctant to intervene in cases of violence in the family⁴⁰. There are very few resources available and little alternatives to assist women and children in violent family situations, meaning that they are mostly left to endure the situation⁴¹. In this context it is important to note that a majority of cases involving Kosovar children victims of trafficking have shown that they come from dysfunctional families and that their trafficking experience started when they escaped from a violent home.

The increase of domestic violence in conflict and post conflict situations has to be viewed in context, where domestic violence and gender based discrimination also existed before the conflict.

TRADITIONAL NORMS AND PRACTICES AND THE IMPACT ON THE VULNERABILITY OF CHILDREN AND WOMEN

Girls and women in Kosovo are subjected to serious discrimination when compared to the male population. The discrimination ranges from access to schooling, opportunities for higher education, participation in the labour force, access to the political space and protection from violence - all which are factors

making women and girl children more vulnerable to become victims of trafficking.

The complex history of Kosovo has resulted in a society that aspires to be part of modern values, but which still, especially in rural areas, keeps a very traditional structure, where the family is patriarchal, sons are favoured to daughters and sometimes arranged marriages take place. The male to female birth rate is 109:100, which indicate that a sex-selection process may prevail in some families⁴⁵. In relation to schooling, boys are more invested in than girls, as it is seen that boys are going to return the investment with their future incomes. Kosovar society is patrilineal, which means that residency and inheritance is passed through the father, mainly to the sons. For women, this means that their economic potential is reduced and that they become dependent on their husbands⁴⁶. Even though, by law, women and men are entitled to inherit on the same grounds, the tradition in most Kosovar Albanian families is that the brothers take over the family property⁴⁷. Likewise, according to traditional norms, a married couple moves to the house or village of the husband. A widow is extremely vulnerable as she does not have the right to keep her children if she decides to move away from the family of her late husband. She thus has to decide whether to stay with her children or lose them if she decides to remarry⁴⁸.

TEXTBOX II: IMPACT OF ARMED CONFLICTS ON WOMEN'S AND CHILDREN'S VULNERABILITY TO TRAFFICKING

During armed conflicts, many women are put at risk for exposing themselves to trafficking or being forced into prostitution for survival. The same applies to the time after conflict, when the infrastructure and opportunities for gaining an income are severely limited.

Rapes during armed conflicts⁴²

Sexual violence including rape was used by soldiers during the armed conflict in the Balkans, including Kosovo. During the NATO bombings the rapes against Kosovar Albanian women and children increased. Women and girls are raped during conflicts in order to assault/insult the larger community. The rape of women by the enemy symbolically damages and violates the men of the community. The consequences for raped girls and women are manifold and long lasting. The rapes may result in unwanted pregnancies and sexual diseases. In line with traditional values, rape is seen as a violation of family honor. Thus, women and children who have been raped are at times rejected by their husbands and families or by the wider community⁴³. This makes them even more vulnerable to further human rights violations, including trafficking. According to the NGO CPWC, seven of the girl children victims of trafficking assisted by the NGO are survivors of rape, which were committed against them during the conflict⁴⁴.

In some rural areas of Kosovo, the issue of sexuality is a big taboo, and the victims of sexual abuse are often blamed for what happened to them⁴⁹. In Kosovo, like in other parts of the world, in traditional families, the honour of the family is upheld by the control of the sexual activities of girls and women. Some sources indicate, that in cases where girls have been raped the tendency is to "wash the shame" out of the girl, by settling the issue. In some cases, the girl is later married off to the perpetrator, as the parents would be afraid that no one else would want to marry her.

During discussions with representatives of local NGOs, the issue of the link between traditional views on sexual relations outside marriage and the demand for prostitution services was raised and how this affects rural areas in Kosovo. The demand for prostitution services was viewed as closely connected to the traditional gender stereotypes where women should be virgins at marriage although men are expected to already have sexual experience. Women's and girl's sexualities are denied, whereas boy's and men's sexualities are accepted and somehow promoted.

The traditional practices described above, contribute to making victims vulnerable to trafficking and an obstacle to successful reintegration of the victims.

The practice of early marriages

According to the 'Law of Marriage and Family Relations' (1984), article 33, someone under the age of 18 cannot enter into marriage. However, a court can in some circumstances allow a person between 16 and 18 to marry if it finds that the person has reached the physical and psychological maturity⁵⁰. According to the Demographic and Health Survey in Kosovo, conducted in July 2003, the mean age⁵¹ at first marriage is about 21 years for females and 25 years for males.

The practice of early and arranged marriages, especially for girls, is part of a tradition which is still practiced in rural areas of

Kosovo, especially among the RAE communities where a girl is considered a woman from the age of 14-15. The practice of early marriages, signify a shrinking of a girl's possibilities to get an education, increases the numbers of young mothers dependent on other people for their survival and increases the risks that some girls may have to stay in an exploitative relationship.

The cases of early and arranged marriages, which are necessary to consider for this child trafficking study, are the cases when the parents of the groom pay the parents of the bride. It is difficult to differentiate between a symbolic dowry, which exists in most cultures (although a remnant of a patriarchal society), and damaging cultural practices where the wife is actually bought by the parents of the groom. The last case, would fall under the definition of trafficking according to the Provisional Criminal Code of Kosovo (Article 139), as it states that all acts of "giving or receiving of payments to achieve the consent of a person having control over another person, for the purpose of exploitation" is trafficking. This has been interpreted by the International Human Rights Law Group to include:

"Any institution or practice whereby: A woman, without the right to refuse, is promised or given in marriage on payment of a consideration in money or in kind to her parents, guardian, family or any other person or group"⁵².

Violations of women's and children's human rights are repeatedly justified through traditional, cultural and religious arguments. The state's failure to protect women and girls from gender-based violence, indicates to the rest of the population that women's and girls' lives are worth less and that violence against them is legitimised.

1.3. METHODOLOGY

This study was set up as a rapid assessment including interviews with the main actors involved in assisting children victims of trafficking on a policy or practical level; interviews with child survivors of trafficking, the conduc-

TEXT BOX III: CASE STUDY

A case of a 14-year-old Roma girl, who had been sold for marriage by her parents to a much older man, was investigated by TPIU and submitted to court. The girl had been raped and forced into prostitution and she was not welcome back to her home as her parents stated that they could not return the money to the "husband". During the investigative phase, the prosecutor expressed his view that "this is a Roma issue and this way of acting comes from their tradition"⁵³.

tion of a questionnaire and street observations⁵⁴.

At the very start of this study a Steering Board⁵⁵ was established, which met at different points during the process to discuss the terms of reference, the methodology and the main findings of the study. Two researchers worked together for a period of three months, from the end of February to the end of May 2004, data gathering and report writing.

INTERVIEWS WITH KEY-INFORMANTS

The main technique used for obtaining primary information for the present study, was by interviewing key actors in the counter trafficking field. Actors providing direct assistance to trafficking victims or who are involved in the issue on a policy-making level as well as actors who could be expected to meet child trafficking victims in their work, were included in the study⁵⁶.

The research was centered to Prishtina/Prishtina, where most of the relevant actors working in the counter trafficking field are located. In each region, interviews were conducted with CSW, Victim's Advocates (Department of Justice), OSCE, TPIU and relevant NGOs. The following regions and towns were visited:

East region

Gjilan/Gnjilane, Kacanik/Kacanik and Ferizaj/Urosevac

Center region

Prishtina/Prishtina

North Region

Mitrovica/Mitrovica (including Mitrovica North)

South region

Prizren/Prizren

West region

Peja/Pec and Gjakova/Djakovica

INTERVIEWS WITH CHILDREN SURVIVORS OF TRAFFICKING

For this study five⁵⁷ Kosovar Albanian girl children survivors of trafficking were interviewed. Out of them, two were still living in a shelter, whereas three had been reunited with their families. One of them is today an adult, but she was a child during her trafficking experience.

Why involve children?

The importance of including a child perspective into the UNICEF child trafficking study derives from article 12 of the UN Convention on the Rights of the Child, where it is stipulated that children's views should be given due weight in accordance with age and maturity. Further, according to the article 3 of the same convention, the best interest of the child shall be a primary consideration in all actions concerning children. Interviews with children survivors of trafficking in the sheltering and reintegration phase

Interviews with children survivors of trafficking in the sheltering and reintegration phase

The interviews with children were scheduled on a case-by-case basis and the children were informed about the aim of the interview before deciding if they wanted to participate. The interviews needed careful and individualized preparation in co-operation with the shelter providers and case managers from the

CSWs in order not to risk endangering or further traumatizing any of the children. The children were informed well in advance about the purpose of the interview and that it would not deal with the trafficking experience itself, but focus only on the assistance provided and their views on the future. After that, the child was given time to think about whether or not to participate. In all cases, the legal guardian and case manager from the CSW was briefed and asked for his or her permission prior to the interview.

The method used for the interview was to let the children themselves introduce the words related to sensitive parts in her story, and then the interviewer would use the word in the same way⁵⁸. A questionnaire⁵⁹ was used as a base-line document, which was memorized by the interviewer in order to remember which issues to target during the interview. However, during the meeting with the child, no questionnaire was used and no notes were taken. No direct questions were asked, but the child was speaking freely, and the interviewer was asking follow-up questions. After the interview, the interviewer immediately wrote the transcripts.

The views expressed by the children, are presented in chapter 5 in connection with the analysis of the services provided to trafficking victims. As notes were not taken during the interview, the quotations do not always correspond verbatim to what the children said, even though this has been attempted as much as possible. It was decided to keep the language of the statements as close as possible to how they were expressed by the children. Thus, the language of the children has not been edited. All names of places and people mentioned by the children have been replaced by other words⁶⁰.

QUESTIONNAIRE FOR THE CENTERS FOR SOCIAL WORK (CSWS)

The centers for social work, being the main actors in assisting vulnerable persons, especially children, both Kosovar and foreign, residing in their municipality, are crucial in the entire process of assisting child victims of traf-

ficking. A questionnaire⁶¹ was developed in cooperation with the Ministry of Labor and Social Welfare, Department of Social Welfare (MLSW DSW) with responses from all 31 CSWs. The aim of the questionnaire was to obtain detailed information on the cases that have been assisted by the CSWs, the assistance offered to victims and the procedures followed when the victim is a child as well as the cooperation with other actors. Apart from the questionnaire, the researchers visited 7 CSWs, in order to engage in a deeper discussion on the role of the CSW in assisting children victims of trafficking.

OBSERVATIONS OF BEGGING CHILDREN

The method of observation has mostly been used in research related to child labour in order to obtain primary data on the situation and initiate contact with child workers to conduct interviews. In this study the method of observing children was used in an attempt to determine the trends, existence and magnitude of trafficking for begging in Kosovo. The observations were focused on children begging on the streets and were conducted in places where children were already known to be begging, during the month of April. The aims of the observations were to gather data on the situation of the children who are begging on the streets and to look for indications that their begging may be organized. Such indications could for example be: a person coming regularly to pick up the money from the child or many children being brought together in the morning and picked up together at night. During the observations, the researchers also got the opportunity to speak to some of the begging children about their personal circumstances pertaining to the begging, e.g. Who told the child to beg? Who receives the money? Who is with the child in the case of a foreign child?

2. LEGISLATION AND POLICY

2.1 INTERNATIONAL LEGISLATION

There are several important and complementary international agreements that provide a cohesive framework for the development of policies, programs and strategies regarding child trafficking: the UN Convention on the Rights of the Child (1989) and its protocol; the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" (2000); the ILO Worst Forms of Child Labour Convention 182 (1999); the ILO Recommendation 190 on the Worst Forms of Child Labour (1999) and the ILO Minimum Age Convention 138 (1973).

Kosovo is legally bound by various international treaties relevant for this study and which have been incorporated into national applicable legislation through the Constitutional Framework (Regulation 2001/09) including: the Universal Declaration on Human Rights; the Convention on the Elimination of All Forms of Discrimination Against Women; the Convention on the Rights of the Child and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Palermo Protocol

Article 3 of the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children" (November 2000) provides the first internationally accepted definition of trafficking in persons (also called the Palermo definition), from which most domestic legislation on trafficking stem. However, the protocol requires the crime of trafficking to be of an organised (involving more than 2 persons) and trans-border nature⁶². These elements of the definition signal the principal aim is to fight organised crime. With the goal of protecting victims' human rights, national legislation

should broaden the concept to include also internal trafficking and trafficking acts of non-organised nature.

From a child rights perspective, the elements of organised crime and movement over borders are not the first for identifying a child as a victim of trafficking, but rather the focus should concentrate on the exploitation or intended exploitation that the child went through.

Convention on the Rights of the Child (CRC)

Article 35 of the CRC, stipulates that:

States Parties shall take all appropriate national, bilateral and multinational measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Optional protocol to the CRC on sale of children, child prostitution and child pornography⁶³

According to the Optional protocol to the CRC on sale of children, child prostitution and child pornography, article 3:

1. Each State Party shall ensure that, as a minimum, the following acts and activities are fully covered under its criminal or penal law, whether such offences are committed domestically or trans-nationally or on an individual or organised basis:

a) In the context of sale of children as defined in article 2:

(i) Offering, delivering or accepting, by whatever means, a child for the purpose of:

a. Sexual exploitation of the child;

b. Transfer of organs of the child for profit;

c. Engagement of the child in force labour;

(ii) Improperly inducing consent, as an intermediary, for the adoption of a child in viola-

tion of applicable international legal instruments on adoption;

b) Offering, obtaining, procuring or providing a child for child prostitution

The Protocol on Sale of Children of the CRC, gives a broader definition of trafficking than the Palermo Protocol, as it does not include the requirement of organized and cross border nature.

ILO Worst Forms of Child Labour Convention 182 (1999); the ILO Recommendation 190 on the Worst Forms of Child Labour (1999)

The worst forms of child labour are defined in the International Labour Organisation Convention 182 as:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

2.2 DOMESTIC LEGISLATION⁶⁴

Provisional Criminal Code of Kosovo

The Provisional Criminal Code, which came into force on 6 April 2004, provides a definition of trafficking, based on the Palermo definition. The difference from the Palermo defi-

nition is that in the Kosovo Criminal Code, there is no requirement for the crime of trafficking to be organised (i.e. more than 2 persons), or to be of a trans-border character.

According to Article 139 of the Provisional Criminal Code:

1) The term "trafficking in persons" means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

2) The term "exploitation" as used in subparagraph 1 of the present paragraph shall include, but not be limited to, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

3) The consent of a victim of trafficking in persons to the intended exploitation shall be irrelevant where any of the means set forth in subparagraph (1) of the present paragraph have been used against such victim.

4) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (1) of this paragraph.

Article 139 sets out the length of imprisonment for involvement in trafficking related crimes, including 'aggravated punishments' when the victim is under the age of eighteen.

UNMIK regulation on the Prohibition of Trafficking in Persons in Kosovo

Prior to the Provisional Criminal Code being adopted on 6 April 2004, the UNMIK Regulation 2001/4 (adopted in January 2001,) was the main legal instrument for combating trafficking. However, it is unclear whether or not the provisions in the

UNMIK regulation, which are not included in the Provisional Criminal Code, are still applicable. As stated by the Legal Adviser to the SRSG in the memo 2004-01323, sections referring to victim protection and assistance (section 2, 3 and 4) of the UNMIK Regulation remain in force because they were not incorporated in either the Provisional Criminal Code or the Provisional Criminal Procedure Code.

Provisions in the Regulation 2001/4, which have not been included in the Criminal Code include chapter 3 on victim's protection and assistance. The "Administrative Directive implementing the UNMIK Regulation 2001/4 on the Prohibition of Trafficking in Persons in Kosovo" has not yet been adopted by the SRSG⁶⁵ meaning that chapter 3 of the Regulation has not yet been implemented. Chapter 3, section 9 provides for the appointment of a Victims Assistance Coordinator (VA) who shall be responsible for implementing the regulation and serve as the coordinating agency for all services provided to victims and thus also a link between all agencies. No VA coordinator has been appointed and no compensation fund has been established as provided for in Section 6 of the Regulation. The draft AD did not include any special provisions for children victims of trafficking.

Legislation regulating children's work

According to the 2001/27 UNMIK Regulation on Essential Labour Law in Kosovo (section 3), the minimum age of employment in Kosovo is 15 years. Children from 15 to 17 may be employed in light work, which should not endanger his or her school attendance nor be harmful to his or her development or health. The age of 18 is the minimum age of legal employment. Unfortunately Regulation 2001/27 does not list the types of work considered hazardous. According to the head of the Executive Agency for Labour Inspection, young employees (between 15-17) are only allowed to work 8 hours per day (in total 40h per week) and only between 6 am and 10 pm⁶⁶. At the same time, the working hours should not interact with the school schedule, in the case that the child is attending school. However, since the approval of the parents or school board is not needed for a 15-17 year old to start working, this is hard to monitor⁶⁷.

Considering the clandestine nature of the bars where sexual services are offered - being camouflaged as coffee places, restaurants or hotels - this raises concerns that there is a possibility that children could be working in bars where sexual services are offered.

From a child rights perspective and following the ILO Convention 182, ILO Recommendation 190 and the Regulation on Essential Labour Law, section 3, working in a place where prostitution services are available, should be considered as falling under work that may endanger a child's development or health, safety and morals. This means that children should not be allowed to sign a contract enabling them to work in an establishment where there is the slightest suspicion that prostitution may be taking place.

2.3 MINISTERIAL POLICIES

Inter-ministerial working group

The Inter-ministerial working group was established in October 2003 with the aim of coordinating and establishing policies, as well as drafting the Kosovo Plan of Action to combat trafficking in Human Beings. There is a trafficking focal point from each relevant ministry forming the working group. (Ministry of Education, Science and Technology (MEST), Ministry of Health (MH), Ministry of Labor and Social Welfare (MLSW), Ministry of Culture and Youth (MCYS) and Ministry of Public Services (MPS)). The coordinating office is the Office of the Prime Minister (Office for Good Governance, Human Rights, Gender and Equal Opportunities).

The lack of terms of reference, decision-making power and training of the focal points is preventing them from taking any concrete actions to combat trafficking within their respective Ministries. The Office of the Prime Minister (OPM) has a great interest in the drafting of a Kosovo Plan of Action, but also needs to build the capacity of the

Ministerial focal points for the sake of sustainability and efficiency. Each individual who was appointed as a trafficking focal point has to add this responsibility to the

regular working tasks, making it very difficult to dedicate enough effort, time and resources to the new trafficking assignment.

TEXTBOX IV: THE WORKING OF THE TAX REGISTRATION, SANITARY AND LABOR INSPECTION

Women and girls survivors of trafficking have related that they have worked under contracts as waitresses or dancers in bars, where they were also forced to sell prostitution services. Thus, there is a possibility that some of the establishments formally registered as coffee bars, restaurants, hotels, motels, etc. are clandestinely operating as brothels. Therefore it is important to look at how the Tax Registration Office (Ministry of Public Services), Labor Inspection and Sanitary Inspection Offices (Ministry of Labor and Social Welfare) regulate the registration of the establishments and the employees and monitor the working of the establishments as well as the working conditions.

Labor Inspection

The role of the Executive Agency for Labor Inspection is to monitor the implementation of the Regulation on Essential Labor Law in Kosovo 2001/27 as well as norms that regulate employment according to applicable Yugoslav Law before March 1989 (Labor Law of Socialist Autonomous Province of Kosovo 24/84). The labor inspection is both involved in certifying the opening and functioning of establishments in Kosovo and in monitoring that they are abiding by the law with regards to the concerns of the employees and the establishment itself⁶⁸.

Tax Inspection

The tax inspection is operating under the Ministry of Public Services on a municipal level. Each employer has to register its employees, both Kosovar and foreign, in order to get a taxpayer number. The contract between the employer and the employee is treated as a proof of employment, and is not certified or approved by the tax office. Thus, there is no control over whether the person is actually working in the capacity stated on the contract, since the registration serves only tax purposes. By the end of April 2004, 186 children were registered with the tax payers' office, of which 39 are female and out them 15 are foreign⁶⁹. Some of the children, according to the records of the taxpayers' office, were working in restaurants and hotels.

Sanitary Inspection

The role of the sanitary inspection is to implement the Law on the Sanitary Inspectorate of Kosovo, Regulation No. 2003/39. All persons who are working in direct contact with food (and medicines or cosmetics (such as employees of beauty salons or massage places) are obliged to go through a medical check-up conducted by the Ministry of Health and obtain a sanitary card⁷⁰. Women who are working in bars - included in the UNMIK off-limit list and other bars, which may offer prostitution services - mostly have contracts as waitresses, and are thus obliged to have a valid sanitary certificate.

The criteria for closing down a bar

The labor inspection checks that the working licence of a bar as well as the documentation of the employees are valid. If they find any irregularities they can temporarily close down the bar. The sanitary inspection can also close down an establishment temporarily if the minimal sanitary conditions are not fulfilled, following checks of water, sanitation, kitchen equipment, food analysis, working clothes etc.

For a permanent close down of an establishment, a court decision is needed.

The possibility of monitoring the situation of children working in the bars

The rules on limited working hours for children are very difficult to monitor and, according to the Labor Inspection, a 'child' has never been found in a coffee place working after 10 pm⁷¹. According to the Head of the Executive Agency for Labor inspection, no cases have been reported where the Regulation on Essential Labor Law (regulating children's work) has been used to justify the closure of a bar⁷².

Part 2:

TRAFFICKING IN CHILDREN AND WOMEN

Part II is divided into three main chapters, 4, 5 and 6, the first dealing with trafficking for the purpose of sexual exploitation, the second dealing with trafficking for the purpose of other types of exploitation, and the third presenting statistics of cases of children victims of trafficking which were identified in Kosovo.

3. TRAFFICKING FOR THE PURPOSE OF SEXUAL EXPLOITATION

Kosovo is currently serving three functions in relation to trafficking: destination, origin and internal trafficking⁷³. Kosovar victims are trafficked in and out of Kosovo and foreign victims are trafficked into Kosovo.

3.1 KOSOVAR VICTIMS

The first reports of trafficking in Kosovar women and children came during the conflict in 1999, when over 800,000 Kosovars were living in refugee camps in the Former Yugoslav Republic of Macedonia (FYROM) and Albania and rumours circulated that girls and women were trafficked from these camps⁷⁴. Likewise, after the conflict, at the end of 1999, other stories were disseminated about increased kidnappings of Kosovar women and girls⁷⁵. Some of the NGOs interviewed in this study, most notably The Center for the Protection of women and children (CPWC), confirmed this rumour by telling the researchers about assisted victims of trafficking who related that they had been kidnapped just after the conflict.

INCREASE IN IDENTIFIED CASES OF INTERNAL TRAFFICKING

The first Kosovar victims of trafficking were identified by TPIU and assisted by the

International Organisation for Migration (IOM) in 2001 and since then the number of identified cases has been increasing every year. Among the cases of Kosovar victims of trafficking assisted by IOM, around 48 percent were children and 36 percent of the Kosovar victims identified by TPIU were children⁷⁶. During the last 2-3 years the local women's NGOs, which were consulted for this study, have noticed an increase in cases of Kosovar women and girls, who have been victims of different kinds of sexually related crimes. At the same time, with the increased awareness of the existence and definition of trafficking, the NGOs started to realize that some of the girls and women previously registered as victims of sexually related crimes may be victims of trafficking. Since this time, local NGOs began to get involved in assisting victims of trafficking. It must be noted that there may be a tendency among some NGOs to classify cases of sexual violence or commercial sexual exploitation as trafficking. In most instances, victims have been referred to NGOs by police, meaning that the cases were classified as trafficking before arriving in the shelter, but in the case of CPWC, many victims are reported to have come on their own initiative. Therefore it is difficult to know how many genuine trafficking cases exist, according to the definition provided in the Provisional Criminal Code and Regulation 2001/4.

It is essential that girls who have been victims of domestic violence and/or sexual violence at home (and not trafficking), are not classified as trafficking victims, as the assistance, psychological support and the assessment for reintegration and unification with the family are very different in the two cases.

PROFILES OF KOSOVAR VICTIMS AND RECRUITMENT

The profiles of the victims of trafficking including their family background and the ways that they were recruited are very much interlinked. Traffickers are making use of the most vulnerable children and women in society. Thus, it is very important to analyse the

family backgrounds and profiles of the trafficking victims, in order to develop and implement preventive measures.

According to IOM, CSWs and NGOs, a majority of the Kosovar victims are from rural areas and very poor families. In many cases the families are dysfunctional and the girls have experienced domestic violence and in some cases sexual violence. Often the girls did not have good relations with their parents and many of the girls had already been victims of some kind of sexual abuse, either within the family or by external men. Most of the victims had a very low education level and some were illiterate. Also, many of the families and communities from where the girls originated are very traditional, as discussed in chapter 1.2; a factor both contributing to the girls falling victims of trafficking networks as well as making their reintegration back to the family and community more difficult.

The girls have been pushed into trafficking by their poverty and the need to find employment. They have been promised a job in a bigger city, for example in a coffee bar or fast food place (Qebabore), and then forced into prostitution. Some girls, are vulnerable because of past experiences of domestic and sexual violence, and have been raped or forced into prostitution by so-called "boy-friends" who gradually started selling them to friends and later to bars. Girls running away

from problematic family circumstances are more vulnerable to being recruited by traffickers. In some cases girls have rebelled against traditional women's roles and lack of access to education, attempting to find their own way in life, starting with a job in a location away from home. They have easily fallen victims of traffickers.

METHODS OF EXPLOITING INTERNALLY TRAFFICKED VICTIMS

There seem to be a tendency that victims of internal trafficking are exploited in different locations than foreign victims. Kosovar victims are more often exploited on an ad hoc-basis in apartments and smaller coffee bars or brought directly to the home of the buyers. Some NGOs mentioned that they had knowledge of girls being exploited from abandoned houses of Serbs just after the 1999 conflict. Kosovar victims of internal trafficking, especially children, seldom seem to receive any financial payment, but instead are given occasional presents of clothes or make-up⁷⁸.

The experiences of internally trafficked women and girls seem to be closely inter-linked and easily confused with experiences of sexual violence. Many of the stories of

TEXT BOX V: CASE STORY OF KOSOVAR GIRL, 16 YEARS OLD WHEN TRAFFICKED⁷⁷

"I used to be a very good student in primary school but in secondary school everything went upside down. We were having lots of problems, my father was frustrated, we were in a very bad economic condition and my father didn't let me to go out with friends. He was beating me to death. I was ill treated and this was happening every single day. I couldn't go to school as I had bruises all over my body and my face. I was very much frustrated and I wanted to kill myself; I tried and nearly died. Later, I decided to go away from home. [.....]I got to know a lot of people. Then a friend accommodated us in a motel. We were out all the day, just going back to overnight in the motel. I met so many people, a lot. I was going out a lot, in coffee bars, with different people, whom I got to know through friends. We were going and having fun with them in the bars. There are lots of young girls working in these bars. They are from Moldova and Bulgaria; they were older than us. I was nicely dressed as my boyfriends were buying me lots of clothes and make-up. I fell in love with a boy, he was nice with me; we were together for a short period. I was introduced to him through a friend and I thought that he loved me too, but later I got to know from him and from another friend of mine that he gave money to be with me. I was shocked, this made me feel very scared. I was so scared to go back home and also so scared to continue such a life. But I decided that whatever happens I will do anything just to stay in Kosovo and not to go out."

Kosovar girls follow similar patterns, of a vulnerable girl from a violent family background getting into the wrong type of social circumstances where she is exposed to criminals who rape her or sell her to friends or clients on an ad-hoc basis. Some girls have left their homes and live in establishments where prostitution services are offered, whereas other girls are being exploited while still living at home⁷⁹.

KOSOVAR VICTIMS TRAFFICKED ABROAD

Currently, the number of identified cases of Kosovar women and children trafficked abroad have been quite low⁸⁰. However, considering the high numbers of internal trafficking victims, there is a concern that it would not be too difficult for traffickers to start trafficking Kosovar girls and women abroad. During this research, indications pointed to an increase in the trafficking of Kosovar children. From the interviews carried out with victims of trafficking, three out of the five cases had been encouraged by their traffickers to travel abroad to work.

"I'm not the only person used by him. He wanted to sell us in Macedonia, he did this with other girls.⁸¹" (Kosovar girl, trafficked first time at the age of 14)

"I met a middle age male from another town, he was very nice with me, and he asked me if I would like to go to Germany through Italy. I didn't have any identity documents and he said that he could arrange everything. I didn't accept, because he wanted to send me first to Italy and then to Germany, by car. I knew that it could be very dangerous and who knows where I could have ended up. I asked him if he could make it possible that I go by airplane, but he said no. I wanted to go by airplane, it's much safer, and you still have the opportunity to contact the police if something goes wrong." (Kosovar girl, trafficked at the age of 16)

"They were very nice with me, they were trying to get the travel documents so I could go and work abroad, but I didn't want this, I

wanted to stay here in Kosovo." (Kosovar girl, trafficked at the age 17)

3.2 FOREIGN VICTIMS

The agency mostly involved in assisting foreign victims of trafficking is IOM, particularly in terms of repatriation and reintegration in the home countries. All the victims who are repatriated by IOM have gone through a deep interview, from which IOM collects data on victims' profiles, family background and other information related to their experience.

About 12 percent of the identified foreign victims of trafficking are under the age of 18⁸². However, many of the girls working in the bars, who today are over 18, were trafficked to Kosovo as children⁸³.

DECREASE IN IDENTIFIED CASES OF FOREIGN VICTIMS⁸⁴

The statistics of both IOM and TPIU of numbers of identified foreign victims clearly decreased since 2002. However, this does not necessarily reflect the real situation of trafficking. The views on the reasons behind the decrease are varying between the actors and some believe that the numbers are indicating a decrease in trafficking. Others are of the view that there are as many women and girls trafficked into Kosovo currently, as there were during 2001-2002, but that the strategies of organised crime have improved whereas the responses of law enforcement are lagging behind, giving a false impression of a decrease in trafficking victims.

PROFILES, FAMILY BACKGROUNDS AND RECRUITMENT OF THE FOREIGN VICTIMS

Of the victims assisted by IOM, almost 48 percent were from Moldova, 20 percent

from Romania and the remaining (in descending order according to the percentage) from Ukraine, Bulgaria, Albania, Russia and Serbia⁸⁵. Out of the total of 379 foreign victims assisted by IOM between February 2000 and December 2003, 10,6 percent were children, the youngest being 14.

Whereas the patterns of similarity are clearly related to a dysfunctional family background in the cases of Kosovar victims, the family backgrounds are more difficult to assess in the cases of foreign victims. However, from data provided by IOM it seems as if most of the foreign victims share the characteristics of Kosovar victims regarding problematic family environments. Almost 14 percent of foreign victims had been previously sexually abused within their families⁸⁶ and only 22,3 percent of the victims assisted by IOM had completed their high school education⁸⁷.

In 75 percent of the cases assisted by IOM, the recruitment procedure was via a false job offer⁸⁸. The women and girls are given an offer of a job abroad, which included the facilitation of travelling documents and transportation. Most times the women and girls were recruited by someone they knew or via an advertisement in the newspaper.

It is interesting to stress that (even though it is of no relevance for the women's status and right to be treated as victims of trafficking) only 2,21 percent of the women and girls assisted by IOM were employed in sex work in the home countries⁸⁹, which counters the perception that many of the foreign girls coming to work in Kosovo are migrating prostitutes.

According to IOM data, only 24,40 percent of the women and girls had crossed all borders on their journey to Kosovo legally, whereas in 23,20 percent of the cases, none of the borders had been crossed legally. Most women and girls (55,50 percent) seem to have entered by crossing the boundary line with Serbia⁹⁰. According to TPIU, the Albanian and Bulgarian women enter in mini busses or vans, whereas the Moldavian victims enter through the airport⁹¹.

Less than 55 percent of the women and girls still had their passport when assisted by

IOM. In 109 cases, the victim had travelled without a document and in 94 cases the trafficker had taken the passport⁹². IOM has handled several cases, where an underage girl had traveled under false identity with a passport of an older person. However, none of the TPIU officers or border guards spoken to during this research related such an incident. It may be the case, that this method was more frequently used some years ago and that these girls are now over 18.

METHODS OF EXPLOITATION

The ways of exploitation are closely related to the recruitment and also the efficiency of law enforcement in identifying and assisting the victims.

Less visible violence and more psychological manipulation

According to IOM, traffickers seem to be using increasingly sophisticated methods in controlling women and girls psychologically. For example, of ten one of the women in a bar is treated better than the others by the bar owner and therefore used to control the rest of the women. The women are manipulated psychologically and although there seems to be less cases of brutal violence (which is visible on the body), the traffickers use psychological methods (like threats against the families) to prevent the girls from reporting to the police, even if they get the opportunity.

Improved conditions compared to earlier years

According to TPIU and IOM, the conditions of the victims appear to have improved to some degree. The women and girls have more freedom of movement than before, although always escorted, they can to a limited degree move outside the house where they are accommodated. The foreign women seem to be receiving a limited salary. According to interviews with women working in bars carried out by TPIU, the salaries are sometimes 500-600 Euros. Many of the

girls have been in Kosovo for two years and have thus experienced better working conditions.

It has been suggested that the fact that working conditions in the bars where prostitution services are offered have improved, combined with poverty and a lack of alternatives of income, some women may be accepting the situation. However, some of these women may still be falling under the definition of trafficking, as their experiences often show elements of trafficking. For example, some of the women may have been deceived about the working tasks and initially forced, but later accepted the work as a prostitute. According to IOM, the defence mechanism of the women is to normalize the situation and not view themselves as victims. The longer time a girl has been in the trafficking experience, the more difficult it is for her to escape, as she sees herself as not deserving anything better and blames herself.

When analyzing IOM data on identified victims, most of them have been assisted within the first 3 months of their trafficking experience (63,08 percent)⁹³. According to IOM this does not mean that some of the women staying longer in the bars are not victims of trafficking. It is important to remember the background of the women and girls, coming from societies where the role of women is strictly defined and sex is a taboo and sexual violence and rape is blamed on the victims⁹⁴.

A foreign victim of trafficking, who escaped before she was forced into prostitution, gave an illuminating statement to IOM saying that if she had been forced to work as a prostitute she would never have gone to the police to seek assistance, as she would have been too ashamed.

More advanced strategies of recruitment and controlling the women

Over the past year a new phenomenon has been noted where foreign women arrive in the country with standardised contracts signed by the employer. This could be a sign of an increased level of sophistication in the

recruitment process. The contracts establish the working conditions of the women, in accordance with applicable Kosovar law, the type of work and the salaries. According to the contracts, women are mostly working as waitresses and are paid around 150 Euros. However, it is possible that the salary is only paid if she accepts to go with clients. When women from countries like Ukraine, Moldova and Romania arrive in Kosovo, they most often have a signed contract⁹⁵. There is a concern that the contracts are used to make it easier to recruit the girls, making them less suspicious about the type of work they will do. Also, the contracts create a false facade of legality to law enforcement and labour inspection agencies. Some of the establishments where prostitution is suspected to be taking place are registered in the name of women who, some years ago, were suspected of having been trafficked into Kosovo⁹⁶.

4. TRAFFICKING FOR OTHER PURPOSES THAN SEXUAL EXPLOITATION

When the research for this study was initiated, very few cases had been identified of child victims of trafficking for other purposes than sexual exploitation. Since the conflict of 1999, there has been a visible increase in children involved in different income generating activities. Most notably this can be seen on the streets of the biggest cities, where children are engaged in selling and begging. As always, when working children are present, there is a concern that they could be victims of trafficking, especially when separated from their parents. In light of increased numbers of Roma families from Albania migrating to Kosovo, in search for economic opportunities, and an increased number of Roma children from Albania begging on the streets, concern was raised that some of

these children may have been trafficked. In the regional context, the trafficking in Albanian children to Greece has raised the issue that similar trends may arise between other countries of the region, including Kosovo⁹⁷.

When speaking about trafficking in children for labour exploitation, great care has to be taken not to confuse the children and families who are forced to beg and sell on the streets because of poverty, (an activity which would fall under the definition of child labour), and the children who are under control of an organized criminal ring, where the organizers and traffickers make the children beg. However, this distinction is not completely easy to make on a practical level, especially for people with a low awareness of the definition of trafficking. This can be seen in the way that some journalists have classified cases of begging children as indications of a trafficking ring, without researching the background and reasons why the children are on the streets. Whereas there are some very clear cases of trafficking for labour exploitation, there are also some "grey zones". A clear case of trafficking would be when a criminal ring transports children from one country or place to another and forces them to beg or sell things on the street for the profit of the trafficker. A clear case of child labour (which is not trafficking), is when a child works for his or her own gain. The "grey zone" cases, would be when parents are telling the child go on the streets to beg, or when families are travelling with the children to places, sometimes abroad, where there are greater possibilities to get money. According to the definition of trafficking (in the Provisional Criminal Code), these cases could be classified as trafficking, but questions must be asked if this classification would be in the best interest of the child, when actually the most urgent need of the child is a better socioeconomic situation and not the punishment of his or her parents.

The line between trafficking for labour exploitation and child labour is difficult to draw in operational terms.

KOSOVAR CHILDREN

UNICEF completed a study on child labour in Kosovo in September 2003, which involved interviews with 356 working Kosovar children, Albanian (202), Serb (63) and Roma, Ashkali and Egyptians (RAE) (89) ethnicity⁹⁸. The questionnaire used in the study, although focused on child labour, included some questions targeting the issue of trafficking. For example, the children were asked who told them to work and who receives the money. A majority of the children answered that they started working by themselves and that they gave the money to their parents and thus no direct indications were found that the work of the children was organised. The study concluded that the income from children labourers is used as a supplement to the family income and that child labour is increasing because of the harsh economic situation and the migration of people into big cities.

As far as trafficking in Kosovar children abroad concerns, two 15-year-old boys were identified at the border FYROM/Greece in 2003. The police had indications that the boys were in the process of being trafficked for the purpose of forced thievery⁹⁹.

FOREIGN CHILDREN

During the period of this study, rumours of trafficking rings involving Roma from Albania, were sparked by tabloid reports broadcasted on several TV channels in Kosovo. In these TV reports, Roma families from Albania were filmed and their faces shown insinuating they were part of criminal networks¹⁰⁰. This was done without any confirmed data or police evidence to back up the accusations.

The issue of children begging on the streets is less tolerated when the children are nationals. Apart from nationality, there are two issues which may influence people's way of viewing begging children. First, the low awareness of the definition of trafficking contributes to the view of begging children as proof of criminal elements or trafficking rings. Second, in the case that the children

are Roma, prejudices against Roma influence the way begging children and their families are perceived and dealt with¹⁰¹.

During the period of research, begging children in Prishtina/Pristina were observed and interviewed in order to find out their family circumstances and whether there were any indications that their begging was organised. It has to be noted, this is not a totally reliable method of research, but is one way of trying to get a picture of the circumstances of the children begging. The children may have been told to lie about their circumstances if anyone asks and they may be too nervous to tell the truth.

The researchers observed several instances when older children and adults came to collect money from the begging children. However, it was concluded from interviews with the children and adults that the persons picking up the money were from the same family as the child. The parents of the children were doing other types of income generating activities, mostly looking for scrap metals among the rubbish. For Roma, begging is a primary income generating activity since there are very few other means of earning an income.

" I came to Kosovo with my mother and father as a friend of my mother who had returned from Kosovo told us that there were possibilities of earning money here. We have come here just to stay for some weeks, only to get enough money to reconstruct our home in Tirana. My older sister would have come with us, but she had no money for the bus ticket. I have been begging for 3 years and my mother for 10 years. My father cannot find a job, so he is collecting tins in the garbage." (11 year old Roma girl from Tirana, interviewed at a junction in Prishtina/Pristina)

During this study, no evidence was found of ongoing large-scale trafficking in children from Albania or other countries to Kosovo for begging (as has been found between Albania and Greece)¹⁰². Although evidence was not found, this does not signify that this is not occurring.

It is clear that families, mainly of Roma origin, coming to Kosovo from Albania are migrating as a survival strategy in search for income generating opportunities. It was concluded that the issue of trafficking for begging has to be dealt with in a much more sensitive and unbiased way, in order not to further discriminate already vulnerable groups.

TEXTBOX VI: THE SITUATION OF ROMA IN THE SOUTH EASTERN EUROPE

The Roma have lived in Europe since the fourteenth century after having left India centuries before¹⁰³. The estimated size of the Roma population ranges between 7 - 8,5 million¹⁰⁴ and children are in majority¹⁰⁵. During most of the time that Roma have resided in Europe they have been subjected to enslavement, forced assimilation or persecution, including in some areas the prohibition of using their own language, Romanes. In South Eastern Europe during communism, Roma were usually employed in the agriculture and industry sectors of the centrally planned economy as low-skilled workers¹⁰⁶. With the transition, most employment opportunities open to Roma in these sectors were lost resulting in widespread structural unemployment¹⁰⁷. At the same time, the Roma in many countries were used as scapegoats for the frustration of the rest of the population, which exacerbated in violent attacks against Roma families and communities around the region¹⁰⁸. Migration has become a survival strategy of a significant number of Roma families, partly for work reasons and partly as an escape from different forms of persecution. This mobility has become much more difficult during the last centuries with immigration restrictions and visa requirements. Measures taken to improve the situation of Roma, have mostly been focused on the issue of poverty, health and illiteracy, without seeking to tackle the root causes of these problems, i.e. discrimination and racism¹⁰⁹. Stereotypes of Roma, for example as thieves and beggars, are used all over Europe and generate further marginalization and discrimination.

Involvement of law enforcement in combating trafficking for begging

Until today, TPIU has not been actively involved in combating trafficking for other

purposes than sexual exploitation. However, TPIU is planning to delve deeper into the situation of begging children and include the monitoring of trafficking for begging into their regular activities¹¹⁰. According to TPIU HQ, a project is planned, where children begging on the streets will be researched further, in order to locate their parents and make sure that none of the children have been trafficked. Whereas, UNICEF recognises the need for actively identifying and assisting children trafficked for begging, it also has to be stressed that such an operation must be carried out in a sensitive way, to respect the human rights of the families, in particular in the case of those children who are begging on the streets as a survival strategy. There is a concern that such an operation may separate children from parents, especially if the parents do not have any documents to prove that the children are their biological children.

5. STATISTICS ON NUMBERS OF IDENTIFIED TRAFFICKING CASES

This chapter aims at providing statistics of the child trafficking victims identified and assisted by different actors since 1999 in Kosovo. All the figures have been collected from the actors involved in identifying and assisting victims of trafficking.

TPIU identified cases

TABLE 1: NUMBER OF VICTIMS OF TRAFFICKING IDENTIFIED BY THE TPIU¹¹¹

Year	Kosovar adult	Foreign adult	Kosovar children	Foreign children
1999				-
2000	-	24	-	1
2001	4	70	1	1
2002	11	49	2	2
2003	7	39	9	5
2004 (until April)	1	13	1	1
Total	23	195	13	10

In total: 241 victims of trafficking were assisted by TPIU, and out of them 23 were children:

- 9,5 % of all victims assisted by the TPIU were children
- 36% of Kosovar victims of trafficking assisted by TPIU were children
- 4,9 % of the foreign trafficking victims assisted by TPIU were children
- 50% of the foreign children victims were Albanian (5 Albanian, 2 Romanian, 1 Moldavian, 1 Serbian, 1 Bosnian)
- 46% of the Kosovar children victims were of Roma ethnicity (6 Roma, 5 K-Albanian, 1 K-Serbian, 1 Gorani)

CENTERS FOR SOCIAL WORK: ASSISTED CASES¹¹²

TABLE 2: NUMBERS OF CHILDREN VICTIMS OF TRAFFICKING ASSISTED BY THE CSWS WITH BREAK-DOWN PER SEX AND PURPOSE OF EXPLOITATION

	Number of cases of Kosovar children		Number of cases of foreign children	
	for the purpose of sexual exploitation	for the purpose of other types of exploitation	for the purpose of sexual exploitation	for the purpose of other types of exploitation
Female	58	2	5	4
Male	-	1	-	3
Total	58	3	5	7

Total number of children victims of trafficking, assisted by CSW (2000- April 2004): 73

Total number of Kosovar children victims of trafficking assisted (2000- April 2004): 61

- Out of the total number of Kosovar children assisted by the CSWs, 81 percent (51) were Kosovar Albanian, 6 Roma, 2 Bosnian, 1 Serbian and 1 Ashkalie
- Out of the total number of Kosovar children victims assisted by the CSWs, 6 had been trafficked outside Kosovo (3 from Prishtina/Pristina region, 1 from Gjilan/Gnjiljane, 2 from Mitrovica/Mitrovica)

Total number of foreign children victims of trafficking assisted (2000- April 2004): 12

- Out of the total number of foreign children victims of trafficking, 58 percent (7) were Albanian, 2 Moldavian, 2 Romanian and 1 Serbian

Cases assisted by the CSWs: break-down per region:

Region: East (Gjilan/Gnjilane)

Kosovar children: 17

Foreign children: 4

Region: Central (Prishtina/Pristina)

Kosovar children: 18

Foreign children: 2

Region: North (Mitrovica/Mitrovica)

Kosovar children: 7

Foreign children: 3

Region: South (Prizren/Prizren)

Kosovar children: 11

Foreign children: 2

Region: West (Peja/Pec)

Kosovar children: 8

Foreign children: 1

TABLE 3: NUMBERS OF VICTIMS OF TRAFFICKING ASSISTED BY THE CSWS WITH BREAKDOWN PER YEAR, AGE AND NATIONALITY¹¹³

Year	Kosovar adult	Foreign adult	Kosovar children	Foreign children
1999	0	0	0	0
2000	2	0	3	1
2001	0	0	11	1
2002	2	0	20	0
2003	12	0	21	6
2004(until April)	0	0	3	2
Total	16	0	58	10

IOM: ASSISTED CASES

When studying the statistics of IOM, it is important to recognise that the data of foreign victims includes only cases of those who

TABLE 4: NUMBERS OF VICTIMS OF TRAFFICKING ASSISTED BY IOM, BREAKDOWN PER YEAR, NATIONALITY AND AGE

Year	Kosovar adult	Foreign adult	Kosovar children	Foreign children
1999	0	2	0	0
2000	3	102	0	11
2001	6	120	3	15
2002	4	75	3	10
2003	3	40	9	4
2004(until April)	Not available	Not available	Not available	Not available
Total	16	339	15	40

accepted the IOM assistance program, which involves repatriation. There are a number of girls and women who were screened by IOM as victims of trafficking, but who for different reasons do not want to be repatriated.

Out of 410 assisted victims, 4 (adults) had already been assisted once before. IOM is co-operating directly with the local shelter CPVPT, where women and girls are accommodated before repatriation. Thus it is assumed that the data of the assisted cases of the local NGO are included and thus reflected in the IOM data.

- The total number of assisted victims of trafficking: 410, of which 55 were children. Children make up 13.4 % of the total amount of assisted victims.
- Among Kosovar victims, children make up 48% of the total number of assisted victims. The ethnicity of the Kosovar children victims assisted was: 11 Albanian, 2 Roma, 1 Serbian and 1 Bosnian.
- Among foreign victims, children make up 10,6% of the total number of assisted victims. The nationality of the foreign children victims were: 22 Romanian, 10 Moldovan, 6 Albanian, 1 Bulgarian and 1 Serbian.

NGOS: ASSISTED CASES

5 local NGOs with shelters¹¹⁴

The total number of assisted Kosovar child victims of trafficking: 33

- Out of the total numbers of assisted Kosovar children trafficking victims, 2 had been trafficked abroad.

TABLE 5: COMPILED DATA FROM 5 LOCAL NGOS ON ASSISTED CHILDREN VICTIMS OF TRAFFICKING

Year	Kosovar children	Foreign children
1999-2004 (until April)	28	5
Total	33	

- Out of the total numbers of Kosovar children victims assisted by the 5 NGOs, 22 were accommodated for more than one night in the shelters.

Protection house for children (International NGO with 2 shelters)

An international NGO has accommodated and assisted 17 children victims of trafficking between February 2003 and February 2004, 13 Kosovar Albanian, 1 Roma, 2 Serbian and one from Thailand.

CPWC cases of trafficking assisted¹¹⁵

TPIU has expressed concern regarding the high number of cases the CPWC has claimed to have assisted, since CPWC has very seldom involved TPIU in any of the cases.

In total 469 victims of trafficking were assisted by CPWC since year 2000. Out of them 59 percent were children:

- The great majority of the Kosovar children victims of trafficking, were of Albanian ethnicity (257) and the rest of Roma (2), Serbian (1), Ashkalie (2) and Bosnian (1)
- Of the 17 Kosovar victims who were trafficked abroad, 5 were trafficked to France, 6 to Italy and 6 to FYROM
- Out of the 15 foreign child victims assisted, 8 were Albanian, 3 Bulgarian, 1 Moldavian, 1 Serbian, 1 Ukrainian and 1 Philippine

TABLE 6: NUMBERS OF VICTIMS OF TRAFFICKING ASSISTED BY CPWC

Year	Kosovar adult	Foreign adult	Kosovar children	Foreign children
2000	14	2	40	1
2001	24	2	36	3
2002	61	4	96	3
2003	72	1	79	8
2004 (until April)	11	0	12	0
Total:	182	9	263	15

INTERIM SECURE FACILITY (ISF): ASSISTED CASES

The ISF is a high security shelter managed by the Department of Justice and has accommodated and assisted 4 Kosovar children victims of trafficking.

ANALYSIS OF THE STATISTICS OF IDENTIFIED AND ASSISTED CHILDREN VICTIMS OF TRAFFICKING

Referral to the CSWs

According to the CSW statistics, the CSWs have been involved in assisting a total of 73 children victims of trafficking, who have mostly been referred by TPIU. According to TPIU, 23 victims of trafficking were identified. This shows a great discrepancy between CSWs and TPIU on reported cases, as it is assumed that the majority of the cases identified by TPIU have been referred to the CSWs and thus included in the statistics of the CSWs. This discrepancy could be explained by the way that the trafficking cases are finally registered in some TPIU offices where, even after a case has been referred to the CSW as a trafficking case, it finally is classified depending on the outcome of the court case. At the same time, the majority of the CSWs do not classify any trafficking cases by themselves, but treat cases as trafficking only after receiving the TPIU report¹¹⁶.

The cases of Kosovar children assisted by IOM (15) are assumed to be included in the CSW statistics as IOM declares to call and involve CSW in Kosovar cases. However, in the case of foreign victims of trafficking, the IOM does not involve CSWs which is apparent as the CSWs have only been involved in assisting 10 foreign victims, whereas IOM has assisted 40 children victims of trafficking¹¹⁷. When this study was undertaken, the referral system of foreign victims of trafficking was being reviewed to include the CSWs in all trafficking cases involving children.

It is clear that some NGOs have been involved in more cases of children victims of trafficking than the CSWs (almost four times more). This is a problem as it highlights that the victims (both foreign and Kosovar) are not being referred to CSWs.

Number of children victims of trafficking¹¹⁸

As some of the children victims of trafficking have been accommodated in more than one shelter after their identification, there is duplication in the number of cases registered by the shelters.

Until now, the CSWs have been involved in cases of Kosovar children victims of trafficking. The total number of Kosovar children assisted by CSWs could therefore represent the minimum number of identified cases in Kosovo. Considering that even in the cases of Kosovar victims - the CSWs have not always been involved - there are therefore some cases which probably are not included in the statistics of the CSWs.

As far as foreign children victims of trafficking concerns, IOM as the main actor involved in assisting all foreign victims of trafficking supplies the minimum number of identified victims. This means that the minimum number of Kosovar children trafficking victims is 61 and the minimum number of foreign child trafficking victims identified is 40.

At least 101 separate cases of children victims of trafficking have been identified in Kosovo since 1999. Considering that this number is based on minimum numbers of identified cases, there is great concern that more unidentified children have been or are victims of trafficking in Kosovo.

Part 3:

ASSISTANCE AND PROTECTION

In this chapter, the assistance and protection that is currently provided to children victims of trafficking in Kosovo, will be presented and analysed in light of the UNICEF/Stability Pact Guidelines. The chapter is divided into four stages of the assistance and protection process: (1) assistance and services during identification and referral, (2) assistance and services during the shelter period, (3) reintegration and long-term assistance (4) criminal justice procedures. The steps from the UNICEF/Stability Pact guidelines, which apply to each of these four stages, will be presented in text boxes. In conjunction with each chapter the views of the interviewed children survivors of trafficking will be presented followed by recommendations on each stage of assistance.

STANDARD OPERATING PROCEDURES

The Standard Operating Procedures (SOPs) outline the procedures that should be followed when assisting a trafficked person from the identification to the point where she is accommodated in a shelter, in order to ensure the coordination of the activities of different actors¹¹⁹. During the implementation of this research, the re-drafting of the SOPs for foreign victims of trafficking, initially signed in September 2000, was initiated. The SOPs for Kosovar victims of trafficking, first drafted in June 2001 and later redrafted, have never been signed. The referral of Kosovar victims is still mainly working according to the draft internal SOPs, but until now there is no accountability for the working of the procedures. It is envisioned that the drafting for the finalization of the SOPs for Kosovar victims will start sometime during 2004.

6. THE UNICEF/STABILITY PACT GUIDELINES

With the signing of the "Statement on Commitments on Victim/Witness Protection and Trafficking in Children" in Sofia in

December 2003, the member states of the Stability Pact, obliged themselves to "develop and adopt minimum standards for the treatment of children victims of trafficking based upon the guidelines developed by UNICEF in accordance with international and non-governmental organizations". The signatory from Kosovo was the Deputy SRSG for Police and Justice.

The "UNICEF/Stability Pact Guidelines for the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe" were developed by UNICEF and endorsed by the Stability Pact for South Eastern Europe in order to set out standards for good practice with respect to protection and assistance of children victims of trafficking. The guidelines cover all stages of assistance, from initial identification through the final recovery and re-integration of a child victim. The guidelines were developed on the basis of relevant international and regional human rights instruments and aim at assisting governments and state actors, international organizations and NGOs, with developing procedures for special protection measures for children victims of trafficking. They represent the first step for establishing a framework of protection and assistance of children victims of trafficking in accordance with applicable human rights standards.

UNICEF takes a human rights approach to child trafficking, taking into account that the primary obligation of States is to act in the best interest of the child. Whereas the Palermo Protocol is primarily a law enforcement instrument, the aim of the guidelines is to provide for greater protection based on human rights standards.

IMPLEMENTATION OF THE UNICEF/STABILITY PACT GUIDELINES

Whereas the principles and measures for the protection of children victims of trafficking are standardized, there is a need for looking at the context of each country, current working of the child protection system and how the social service and governmental

structures are built up. In order for each country to implement the guidelines, UNICEF and the Stability Pact recommend that a working group be set up within the framework of the National Action Plans, which should commence an assessment of the existing mechanisms and legislative structures, including identification of the following¹²⁰:

1. Roles and responsibilities of different government authorities, including, police, social service authorities, Ministries of Interior, etc.
2. Roles and responsibilities of NGOs and international organisations
3. Mechanisms and modalities of cooperation
4. Resources necessary to implement the guidelines, including human and financial

STRUCTURE OF THE GUIDELINES

The first part of the guidelines sets out the definition of child trafficking, according to the Palermo definition, and is followed by a chapter outlining the main general principles underpinning the guidelines, which should always be the basis of all action involving children victims of trafficking in all stages of assistance and protection. The principles include the rights of the child (all action should be based on the CRC), the best interest of the child, the right to non-discrimination, respect of views of the child, the right to confidentiality and the right to be protected.

The chapter on guidelines for specific measures is divided into 10 steps establishing the minimum actions that should be undertaken when dealing with children victims of trafficking. These steps are: (1) identification, (2) appointment of a guardian, (3) questioning, interviews and initial action, (4) referral and coordination/cooperation, (5) interim care and protection, (6) regularization of status, (7) individual case assessment and identification of a durable solution, (8) implemen-

tation of a durable solution, (9) access to justice and (10) victim/witness security and protection. The guidelines also stress the importance of special recruitment and training of personnel by all agencies dealing with children victims of trafficking.

7. ASSISTANCE AND SERVICES DURING IDENTIFICATION AND REFERRAL

7.1 UNICEF/STABILITY PACT GUIDELINES

IDENTIFICATION

Main guiding principles of the UNICEF/Stability Pact guidelines, step 1:

- All actors encountering child victims of trafficking in their daily work have to adopt pro-active measures and co-ordination sharing mechanisms to identify and assist child victims of trafficking at the earliest point possible. (Law-enforcement, border guards, social worker, NGOs, teachers, etc.).
- Where there is reason to believe that a victim is a child, even though the age has not yet been verified, the victim shall be treated as a child pending verification of the age of the victim.

APPOINTMENT OF A GUARDIAN

Main guiding principles of the UNICEF/Stability Pact guidelines, step 2:

- Social service authorities shall establish a guardianship institution, which will accompany the child victim through the process until a durable solution has been found.

QUESTIONING, INTERVIEWS AND INITIAL ACTION

Main guiding principles of the UNICEF/Stability Pact guidelines, step 3:

- Law enforcement should register the child and open a case file immediately
- At the initial stage, in the presence of the guardian, only biographical data (not experience whilst trafficked) should be requested by an officer trained in child sensitive interview techniques, preferably of the same sex as the child.
- Law enforcement authorities should avoid questioning a child victim in the location where the child has been exploited and/or in the presence or physical proximity of any suspected trafficker.
- Law enforcement authorities should minimize the length and scope of questioning to minimize further trauma or psychological distress to the child victim.
- The child should after initial questioning be transferred to a shelter.
- Verification of the victim's age should take into account:
 - the physical appearance of the child and his/her psychological maturity
 - the victim's statements
 - documentation
 - checking with embassies and other relevant authorities
 - consensual medical examination and opinion

REFERRAL AND COORDINATION/COOPERATION

Main guiding principles of the UNICEF/Stability Pact guidelines, step 4:

- The state through relevant ministries shall assist law enforcement, social services, international organizations and NGOs to establish efficient and expeditious referral mechanisms for child victims.
- In the case of foreign children the relevant ministry shall assist in contacts regarding the child's documentation and disposition with the corresponding authorities in the child's country of origin.

7.2. SERVICES AVAILABLE

The method of identifying victims of trafficking is crucial since victims of trafficking, by definition, are restricted in movement and often also psychologically manipulated or controlled. This means that in order to combat trafficking and efficiently assist the victims, all agencies and actors should actively be involved in the identification. Further, this means that all actors that could encounter child victims of trafficking should be specifically trained on the definition of trafficking and on indications and symptoms that could be indicative for potential trafficking victims.

It is important to recognise that a victim could be someone who has not reached the phase of exploitation, but who is being mobilised for this purpose. For example, a person crossing the border who is in the process of being trafficked (in control of a trafficking ring) is a victim of trafficking. The problem in this case is the identification of this person, as often the victim may not know the intention of her travel, or she may not want to discuss the circumstance surrounding her travel, in-case she is prohibited from crossing the border.

Because of a low awareness of the definition of trafficking, the different actors who should be responsible for identifying potential trafficking victims, during different stages of the trafficking cycle, may fail to do so. In practical terms, this means that a woman in the process of being trafficked into prostitution may be viewed as a prostitute by prejudiced or unaware border or police officers. In the case of children victims of trafficking, if they are not identified as children, there is a risk that they fall under the group of women who are considered as migrating prostitutes and not as victims. Also, if a child is incorrectly identified as an adult, he or she will not be provided with the special protection measures and procedures that should be applied in cases of children victims of trafficking.

CAPACITY OF IDENTIFICATION OF CHILDREN VICTIMS OF TRAFFICKING AT ENTRY INTO OR EXIT OUT OF KOSOVO

All people with valid passports can enter Kosovo, as currently no VISA policy exists. There are 5 border-crossing points in charge of UNMIK border police. KFOR is in charge of the borderlines (internationally recognised borders) and boundary lines (to Serbia and Montenegro), where routine controls are carried out¹²¹.

Because of the very limited control of the border and boundary lines, it would be easy for people who are familiar with the area to pass illegally into Kosovo. The border police officers interviewed for this study confirmed that it is very plausible that traffickers could take people who do not have their papers illegally into Kosovo¹²². Considering that the border police have identified very few trafficking cases, it is possible that children and women are being transported in or out of Kosovo illegally.

THE ROLE OF BORDER POLICE IN IDENTIFICATION OF VICTIMS OF TRAFFICKING

The first agency coming into contact with victims of trafficking at the entry and exit of Kosovo is the border police, at the airport and border crossing points¹²³. Currently, there is no special policy for the active identification of victims of trafficking, neither on how to protect children from being trafficked or abducted. No authorization from a parent or legal guardian is currently needed for a child to cross the border with an adult other than the parent¹²⁴. Sometimes when children have different surnames than the adults claiming to be the parents, they are taken aside and asked why they are leaving or entering the country.

The work carried out in relation to identification of victims of trafficking is mostly depending on the individual officers and the

heads of stations at each border crossing point and their level of awareness. From the interviews carried out for this study, it was concluded that suspicious cases are viewed on an ad-hoc basis. It was related that when a woman from an Eastern European country crosses the border the following criteria are used¹²⁵:

- where a male driver is in possession of a passport of a woman
- where foreign women are passengers in a Kosovar car accompanied by Kosovar men
- where one woman is in a car with many men

In the case that a woman is suspected to be a trafficking victim, she is taken aside and interviewed. However, according to one female border guard, she expressed concern that before she started working at the border crossing point, these interviews were conducted in an insensitive manner and with too many male police officers in the room, which she claimed intimidated the women into silence. Many of the victims crossing borders could not be aware of their status as victims, as the exploitation period may not have started. This interview should focus on explaining the dangers and what trafficking is to the women and girls, giving them the option to be assisted at that point or at a later stage.

Border police generally see trafficking as a problem related to the fact that there is no VISA or entry policy in Kosovo. There seemed to be little understanding that even a person having all documents in order could be a trafficking victim, which is especially concerning in the case of children. In the case of potential children victims of trafficking, especially smaller children, the awareness seemed to be higher, whereas in the cases of teenage girls, there seem to be a tendency to view them as "young women".

Women suspected of being trafficking victims or prostitutes, arriving at Prishtina/Pristina airport are mainly from Moldova. In most cases, the bar owners have informed the immigration unit of their

TEXT BOX VII: REPORT FROM THE AIRPORT

During a meeting at Prishtina/Pristina airport the procedures followed by the immigration unit were observed when three young Moldavian women, suspected of being trafficking victims or prostitutes, arrived in Kosovo. The immigration unit had already been notified about their arrival by the bar owner, and had received their contracts with a known off-limit bar. The young women went through a very brief interview without translation, their documents were copied and their personal information entered in a data-base. No information was given to the girls on the dangers and risks connected with working in an off-limit bar. The women were asked if they were in Kosovo voluntarily and then were allowed to pass the border.

Women suspected of being trafficking victims or prostitutes, arriving at Prishtina/Pristina airport are mainly from Moldova. In most cases, the bar owners have informed the immigration unit of their arrival, by forwarding the contracts of the women, which often are with off-limit bars. According to the immigration unit, during February 2004, 14 women had arrived in the airport and entered Kosovo with contracts to work in off-limit bars¹²⁶.

arrival, by forwarding the contracts of the women, which often are with off-limit bars.

According to the immigration unit, during February 2004, 14 women had arrived in the airport and entered Kosovo with contracts to work in off-limit bars.

CAPACITY OF IDENTIFICATION AND REFERRAL OF CHILDREN VICTIMS OF TRAFFICKING INSIDE KOSOVO DURING THE ACTUAL EXPLOITATION PERIOD

Since the movement and freedom of the victims is controlled at all times by threats of violence against them or family members, the girls are often unable to seek assistance themselves. Therefore, agencies like TPIU, IOM, OSCE and different NGOs, mostly women's NGOs are primarily involved in identifying victims of trafficking. The same actors are also involved in the referral of the victims.

THE ROLE OF THE TPIU IN IDENTIFICATION AND REFERRAL OF VICTIMS OF TRAFFICKING

UNMIK police created the Trafficking and Prostitution Investigation Unit in November 2000 which is comprised of 5 regional offices with 26 international and 21 Kosovar police officers¹²⁷. The mandate of the TPIU is to gather intelligence and information from different sources about traffickers, trafficking victims

and establishments where there is prostitution and to identify and assist victims and gather enough evidence to be able to close the establishments and prosecute the traffickers¹²⁸.

Strategy for identification of victims

The TPIU until recently used bar raids as a main strategy of attempting to actively identify victims of trafficking. Currently no bar raids are undertaken as many bars went underground due to the raids of previous years. According to the TPIU, a new intelligence based strategy is currently in use, which involves bar checks and undercover operations. It is unclear how well the new strategy is working or how efficient it is in identifying victims. While bar raids have been criticized for being inefficient both in identifying victims and traffickers as well as from a human rights perspective¹²⁹, the benefits of the new TPIU strategy still needs to be assessed. Amnesty International expressed concern that trafficked women and girls may be left in the bars until enough evidence is gathered to prosecute the bar owner¹³⁰.

Child specific procedure in the identification process

TPIU does not apply an especially active approach for identifying children victims of trafficking and TPIU officers seem to be unconcerned that underage victims may be camouflaged under the identity of adult women. Children are mainly identified in the same ways as adult women and their ages are verified by checking their birthdates on the

passports and by assessing their physical appearance. One survivor of trafficking, interviewed for this study, related how the TPIU had come several times to the motel where she was working, without investigating her even though some of the times she failed to present documentation proving her identity.

Off-limit list

The off-limit list is disseminated by TPIU at the beginning of each month. It lists the establishments that UNMIK staff are prohibited to frequent by orders of the UNMIK police Commissioner. The 5 regional TPIU offices are in charge of including establishments operating in their region in the list, and the criteria for which establishments to include differ between the regions. On 1 January 2004 there were 200 establishments listed¹³¹. Various actors have criticized this number for being too low.

Registration of foreign women working in bars and coffee places

Since 2000 the TPIU regional offices have been registering foreign women working in establishments like restaurants, hotels, coffee bars, motels, etc. The criteria for registration are ambiguous and differ between the regions. For example, the establishments registering their employees are more numerous than the number of bars on the off-limit list. Some TPIU officers stated that it is obligatory for foreign women to register in this database, whereas others stressed that it is voluntary, but registration would avoid problems for bar-owners and employed women during bar checks¹³². Some TPIU regional offices also register Kosovar women.

When women first arrive in Kosovo, they are expected to visit the TPIU regional office to register, with their contract signed by the employer and a sanitary certificate¹³³. In most cases, the women are accompanied by the bar owner and are separated from him during the interview¹³⁴. The initial interview is meant to give the women an opportunity to ask for assistance¹³⁵. Sometimes the bar

owner is interviewed as well. In connection with the registration, the women get a certificate from the TPIU, which is valid for 3 months, and which should be shown to the TPIU during bar visits. Also, the girls and bar owners are told to always contact the TPIU before moving to another bar or leaving the country¹³⁶.

However, according to the TPIU in all five regions, there has only been one case when a girl asked for assistance during this first interview. In some other cases women escaped from the bar some days later and approached the TPIU by themselves.

Children registered in the TPIU database

When the researchers met with the TPIU HQ in February 2004, it was claimed that no children were currently registered in the database and that the aim of the TPIU is to remove children from these bars. However, during visits to the regional TPIU offices, the researchers realized that, at least in two regions, a small number of children were registered in the database and working in off-limit bars¹³⁷. There is a lack of coordinated policy on action to take when children are found in off-limit bars or when bar owners want to register children in the database. Some TPIU officers referred to the 2001/27 UNMIK Regulation on Essential Labour Law in Kosovo saying that as long as no evidence is found that the girls are working as prostitutes, they cannot be prohibited from working in an off-limit bar¹³⁸. Other TPIU officers claimed that children are not allowed to have a contract with an off-limit bar, referring to the environment as hazardous.

As there is no legislative basis for the off-limit list, children working in off-limit bars become a social issue in which the CSWs and the Labor Inspection should be involved. The role of the Labor and Sanitary inspection is important when it comes to monitor the situation of children working in establishments where there is suspicion that prostitution services may be offered. Even if no evidence of prostitution is found, the Labor and Sanitary Inspection could find other reasons to justify why a child should be taken out of

the bar, for example if they find her working after 10 pm. Increased cooperation and sharing of information between the TPIU and Labor and Sanitary Inspection is crucial.

Possible influence of the TPIU database registration system on the identification of victims

The overall concern related to the functioning of the database of the TPIU is that the registration system, although put in place to protect women and to give them several opportunities to get into contact with the TPIU to request assistance, could in practice be benefiting traffickers by making their lives easier¹³⁹. The existence of a formalized registration system, to which traffickers abide by registering their "employees", creates a facade of legality as long as the women do not identify themselves as trafficking victims. Behind the facade, the registered women, are vulnerable to psychological manipulation (because of poverty and low education) and threats and physical violence, in order to keep them in the establishment and stop them from seeking assistance.

Police officers are looking for evidence which could lead to prosecution, rather than for symptoms indicating that women and girls may be victims of trafficking. It is important to note that this is happening in tandem with traffickers using less visible physical violence. It is possible that the TPIU is overlooking the psychological manipulation and control of the trafficking victims by threats and other means and relying too much on the victim's self-identification¹⁴⁰.

Questionnaires

Three TPIU regional offices stated that they are following a special questionnaire during the registration interview, given to them by their headquarters, whereas the rest claimed that they do not follow any questionnaire. One of the TPIU officers expressed his concern with the type of questions included in the questionnaire, ranging from asking about the amount of clothes worn when working,

if the girl dances topless and what happens if a customer is trying to touch or kiss her¹⁴¹? Considering that this interview is supposedly carried out before the woman starts working, she may not be able to answer the questions. Further, if the aim of the interview is to give the woman a possibility to ask for assistance, some of these questions could possibly intimidate her into silence. The interview should instead ideally focus on explaining the dangers of trafficking giving them the option to be assisted.

Bar visits and undercover operations

The TPIU regional offices carry out routine visits in order to check the documents of the girls working in off-limit bars and other establishments. Whereas part of the aim of these visits is to speak to the girls and give them an opportunity to ask for assistance should they want to, there are many obstacles. First of all, the police officers, in order to minimize the dangers for themselves in entering the establishments, have to maintain friendly relations with the bar owners. However, this could give the wrong idea to the women and girls in the bar, when they hear the TPIU officers joking with the bar owners. There is a need for finding a balance between friendliness and professionalism; good relations between the police officers and the bar owners, while letting the women and girls know that the TPIU officers are actually there to assist them. There is also a risk that the bar visits become more of a routine control where the papers of the women are checked and some chatting is done with the bar owner forgetting the real purpose of the visit.

.The new intelligence based strategy of the TPIU, includes under cover investigations in which male police officers go into the bars to observe the situation and try to speak to the girls. Some TPIU officers related that this was not very efficient as the TPIU police officers working in a specific region are recognised even in civilian clothes in many of the bars. Further, considering the use of psychological controlling mechanisms by the traffickers, the women and girls may not be sure when a person is a police or friend of the bar owner. Some TPIU officers men-

tioned that they are trying to "catch the girl" in the sexual act, as in this situation she cannot deny that she is working as a prostitute and thus may reveal other crucial information about her working circumstances.

Referral of identified victims and special procedures for children

When a child has been identified and goes through the referral stage including interviews, the procedures followed all depend on the awareness of each individual involved in the case¹⁴². At least one of the regional TPIU offices did not have any special interview room, meaning that the interviews had to be carried out in the office, where several TPIU officers are working. This is concerning, as it could mean that the children and women do not feel free to speak. One male TPIU officer noted the importance of female presence when interviewing female victims (both identified victims and potential victims in the bars), for making them feel more comfortable to speak, as issues related to sex are commonly taboo in the majority of the countries where the victims originate. This shows the great importance of hiring female officers, international and local.

THE ROLE OF IOM AND OSCE IN THE IDENTIFICATION AND REFERRAL OF VICTIMS OF TRAFFICKING

IOM and OSCE are playing significant roles in the first stages of identification, during the so-called screening phase. Until now, IOM has mostly been involved in cases of foreign victims, as the mandate of the organization is to assist migrants who have been trafficked. In connection to the screening, the IOM representative explains the assistance that IOM can offer. The IOM, apart from looking for elements of the Palermo definition in the story of a woman or girl, can also assess symptoms, even if she does not verbally express that she has been trafficked; she may be showing symptoms which give her the right to be offered

IOM assistance. Usually after identification, and still in the police station, the victim has to sign a declaration of repatriation, which means that she accepts assistance and placement in a shelter and, in the case of a foreign woman or girl, to be repatriated. In the case that the victim is found outside Prishtina/Pristina and cannot be brought before 5 pm, OSCE human rights officers will conduct the screening according to the same principles.

There is already an ongoing discussion on how to minimize the length of the initial interview with the victim and the issue of providing victims with more time to think about the options for the future. In order to minimise the time of the initial interview and to be able to transfer the victim to a shelter as quickly as possible, it has been agreed that the Standard Operating procedures for the Victims' Advocates in cooperation with TPIU takes over the responsibility of the first screening from IOM and OSCE. IOM would in this case explain the assistance available to the victims in the shelter after a couple of days, when the victim has had time to rest.

The role of IOM in the referral of the victims

IOM has screened 671 cases and assisted 410 cases from 2000 until December 2003¹⁴³. The discrepancy between the number of screened victims and number of assisted victims is due to the fact that not all screened persons are identified as trafficking victims and not all women and girls accept the assistance of IOM. According to IOM, this is because some women want to stay and work in Kosovo and others may be too ashamed to accept the assistance¹⁴⁴. Currently, when a foreign person has been screened and accepted the assistance of IOM, she is directly sent to a local shelter. In the case that the person is not completely sure whether she wants to accept the IOM assistance and be repatriated, she is sent to the Interim Shelter Facility (ISF). The procedures for referral of foreign victims are the same in the case of children and adults. In the case of a Kosovar child victim, there are two possible alternatives

for referral after the screening has concluded her to be a victim of trafficking, either shelter placement or reunification with the family, in the case that she prefers this option.

The only child specific procedures, which are followed by the IOM, during the identification phase, is to call for the CSW. Until now, according to IOM the CSWs have only been called in cases of Kosovar children victims. However, there are examples of cases, when the CSW was not contacted by IOM even in the case of Kosovar child victims.

Working closely with the victims, the IOM officers are trained in sensitive interview techniques. According to IOM, there are cases, where in the very beginning a trafficking victim sometimes does not realize where she is, does not trust anyone and does not want to communicate. At this point, to make a formal interview would be devastating for the victim. Instead the IOM personnel are working on establishing trust, which is conducted by spending time with the victim and speaking about general issues, and not by asking direct questions. Whereas the IOM personnel seem very well prepared for dealing with traumatized victims in a sensitive and human way, at the same time some concerns have been raised regarding the length of the interviews and the correctness of the way data is collected from the victims during the interviews, which may not be of relevance for IOM, but rather for the police.

In relation to foreign victims assisted by IOM, there is a concern that they may not get a chance to reconsider their decision about going home since they sign a declaration of repatriation in connection to the screening interview. Currently, only in 2 cases out of 410, the decision of repatriation has been changed during the sheltering period.

THE ROLE OF THE CENTRES FOR SOCIAL WORK IN THE IDENTIFICATION AND REFERRAL OF VICTIMS OF TRAFFICKING¹⁴⁵

According to the UNMIK regulation 2001/19, the Ministry of Labour and Social Welfare (MLSW) is responsible for the promotion of policies related to the protection of children. Within the MLSW, the Department for Social Welfare (DSW) is responsible for supervising the CSWs at municipal level. There are 31 CSWs, one in each municipality and two in Mitrovica, which are responsible for the social protection of vulnerable people in their municipality. The Law on Marriage and Family Relations (LMFR), sets out the role of the Institute of Guardianship (IG). The IG in most cases falls under the responsibility of the CSW and is responsible for children without parental care including foreign children¹⁴⁶. This means that the CSW should be involved both when a foreign and Kosovar child victim of trafficking is identified.

All representatives of CSWs interviewed for this study, were well aware that police or shelter providers should call them when children victims of trafficking have been identified. Some of the CSWs were very concerned that they are not being called in all cases of children victims of trafficking identified in their municipality. A majority of the CSWs handle a case as a trafficking case only after it has been classified as such by the police and thus do never classify a case as trafficking by themselves¹⁴⁷.

Assignment of trafficking cases

When a child victim of trafficking is first identified, a social worker from the nearest CSW will be responsible for the case. However, the procedures differ between the CSWs as to whether the case manager remains the same, is changed in accordance with the municipality where the child is placed in a shelter or is changed in accordance with the municipality where the family of the child resides. In the cases

that Kosovo Serbian children are identified, they are sent to a shelter in Belgrade because of the lack of sheltering facilities for Kosovo Serbian children¹⁴⁸. The general lack of dialogue between Kosovo Serbian and Kosovo Albanian communities also affects the provision of services to Kosovo Serbian trafficking victims, given that most facilities are situated in Kosovar Albanian areas.

The great majority of the CSWs do not have any specific social worker in charge of trafficking cases¹⁴⁹. The team leader of each CSW assigns a case manager and an assistant according to the workload. No specific attention is given to whether the case manager and the assistant are female or male.

Availability and resources

18 out of the 31 CSWs responded that they are available 24 hours per day, whereas 6 of the CSW are available only during office hours, and the rest gave vague answers or are only available some extra hours outside the working hours. All the CSWs have been provided with a mobile phone by OSCE, which is used by the person who is on call.

The biggest obstacle for the CSWs in assisting children victims of trafficking is the limited resources regarding transportation and emergency costs. In the cases that there is a social worker on call, he or she does not have access to transportation after office hours, which means that the CSWs depend on the assistance of police officers. Children victims of trafficking have the right to be assisted expeditiously by the appropriate agencies, a right which is currently violated because of lack of transportation possibilities. Further, there is no emergency budget, which the social workers on call can use to cover expenses related to involvement in child trafficking cases. Currently, the social workers have had to pay from their own pockets, when there has been a need to provide the child with something other than related costs¹⁵⁰. With an increased involvement of the CSWs in foreign trafficking cases, there will be a need for provisions of interpreting services.

Appointment of a guardian

The case manager, who has been assigned a trafficking case, is responsible for appointing a legal guardian. This should happen in cases where the parental rights have been taken away from the parents, when the child is an orphan and in special cases, such as foreign victims. In the case of a Kosovar victim in need of a legal guardian, in most cases the CSWs have appointed someone from the child's family. In the cases, when this is not possible, the legal guardian is appointed within the CSW.

In the cases of identified foreign child victims, the CSWs have often been excluded, meaning that no legal guardian has been appointed. With an increased involvement of the CSWs in assisting foreign victims, there will be an increased need for appointing legal guardians in all cases.

In the instances where a legal guardian, external to the child's family, needs to be appointed, both for foreign and Kosovar children, this person should ideally not come from the CSW or the shelter where the child is accommodated, as this could lead to a conflict of interests. This is a practical problem that needs to be solved, as currently, the legal guardian is appointed within the CSW.

Procedures of the CSWs when dealing with child trafficking cases

There are some shortcomings that should be pointed out regarding the treatment of cases involving child trafficking victims by the CSWs.

Filing of the case data

Shortcomings were observed in the treatment of the confidentiality of the trafficking cases in connection to the filing. All CSWs that were visited have a special file cabinet, where trafficking data is filed separately. However, 6 out of 7 visited CSWs write the name of the child on the front cover of the file, instead of the number of the case.

Only in Prishtina/Pristina CSW, the confidentiality of the cases was respected. The issue of verbal communication of the victims information is also a concern, as often CSW personnel referred to the full names of the victims in conversation.

Views on and treatment of the children victims of trafficking for sexual exploitation

Many of the social workers adopted a very paternalistic view on the way that the victims should be counselled, stating that the girls have to be told that the way of life that they were living was immoral, thus giving the children personal responsibility for their experiences. Instead of assisting the child in the rehabilitation process, this paternalistic way of treatment could reinforce the child's feeling of guilt. Some of the CSWs classify the child trafficking cases as asocial cases, which is the category including juvenile crime, theft, etc., which also gives the victim a sense of guilt and responsibility for what happened to them.

Referral to shelters

The CSWs are in charge of placing children in appropriate shelters according to a risk assessment report provided by the TPIU. Some concerns have been raised that there is a tendency that the CSWs have referred children to shelters for domestic violence instead of shelters designed to receive trafficking victims. The OSCE Department of Human Rights and Rule of Law has, between March 2003 and February 2004, followed the referral and assistance offered by CSWs to 35 children victims of trafficking, and out of them, 9 were referred to a shelter for domestic violence¹⁵¹. The shelters for domestic violence do not have the appropriate security measures for taking care of trafficking victims and the domestic violence counsellors do not have the experience to provide services for trafficking victims¹⁵².

THE ROLE OF NGOS IN THE IDENTIFICATION AND REFERRAL OF VICTIMS OF TRAFFICKING

Whereas IOM and OSCE have been instrumental in the first stage of the identification process of foreign victims, Kosovar NGOs have played an important role in the identification and referral of Kosovar victims of trafficking. From the end of the 1999 conflict until April 2004, 5 NGOs from different parts of Kosovo with shelters for domestic violence had accommodated 33 children victims of trafficking, of which 5 were foreign.

In the cases of local NGOs with shelters for domestic violence, victims have mainly been referred by CSW, TPIU or KPS. Most NGOs consulted for this study, have received cases to their domestic violence shelters, often on short notice, during the night and without any risk-assessment report from the TPIU. The admission was reported as a domestic violence case, but at a later stage, during interviews, it was found out that the person was a victim of trafficking. In situations when the CSWs and TPIU have to find a shelter during the night and under time constraints, it seems as if the geographically closest shelter is contacted.

The children victims have stayed in the domestic violence shelters until the social worker has found a space in a shelter designated for trafficking cases. However, in some cases, the victims did not want to change shelter.

According to the CPWC, a significant number (35 percent) of the victims have come directly to the NGO or via their families (15 percent)¹⁵³. The concern that has been raised in connection to this is that the police has been involved in very few of the cases assisted by the NGO.

THE ROLE OF THE VICTIM ADVOCATES IN THE IDENTIFICATION AND REFERRAL OF VICTIMS OF TRAFFICKING

According to the Provisional Criminal Procedure Code of Kosovo (Article 81), the victim advocates shall assist injured parties in safeguarding their rights including, where appropriate, acting as authorized representatives of the injured party. The victim advocates, appointed by DOJ are present in all five regions. When this study was carried out, the victim advocates had only been involved in a limited number of trafficking cases in two regions.

Since the victim advocates will be more involved in screening and providing legal information at the very first stage after identification, it is essential to involve them more in cases.

7.3. VIEWS OF CHILDREN IDENTIFICATION

Although no direct questions were asked during the interviews about the identification experience, some of the girls interviewed started to speak about issues related to identification by themselves.

"The police can do much more than they do. Many times they have entered in the bar where I was. There were Bulgarian and Moldovan girls and many times I was caught with no documents at one a clock in the morning and they didn't ask me any questions. I was let to continue being there in the bar. I know all the police officers from the town. I have been so many times in the police station. They knew that I dropped out of school and that I was going away from home for weeks, so wherever they were finding me they were taking me to the police station. But the last time I said to them: you will never find me again. I went to another town and in one year and a half they couldn't locate me. There was a guy coming in a

coffee bar where we were staying a lot. I got to know that he is a police officer and I noticed that he was looking at me a lot and then I saw him a few times in the police station and a few times in a police car. I knew that he is a police officer, just dressed as a civilian. " (Kosovar girl trafficked at 16)

"Police can do much more; they know that there are many young girls working in the bars; Bulgarian, Moldavian and Kosovars. They are saying that they help us, but they couldn't track me. I was going out with a police officer from the town." (Kosovar girl, trafficked at 16)

"The Police and CSW Officers were visiting me regularly, they were talking to me, but I didn't want to go back in the shelter and my father didn't want me back home. After more than two years, I saw the police going out of the restaurant. We were living on the first floor and there was a restaurant in the basement. I run after the police, I used the back door, I was not allowed to use the door of the restaurant, and I said to the police officer that I have decided to go back in the shelter" (girl survivor of trafficking who left a shelter where she did not feel comfortable and went back to work and live in a restaurant, in which she was regularly visited by police and CSW)

There is a great concern that child victims are left in bars, because there is a lack of evidence that prostitution is taking place on the premises or because they are simply not identified as children. The statements of the children that were interviewed for this study, confirmed this as they related stories of police officers coming into bars without checking ages or documents or without taking any measures. In one of the cases related to the researcher, a girl under 18 years old stayed for more than two years living and working in an off-limit bar, with the social workers and police officers coming regularly to speak to her. Action was taken only when she herself asked to be taken out of the bar.

In some instances the children have spoken about police officers or social workers coming to the bars as clients. The frequenting of the bars by police or social workers nega-

tively influences the trust of the women and girls and severely harms and limits the possibilities that the girls and women will identify themselves as trafficking victims and ask for assistance from the police.

"The first time that I met the CSW officer (the case manager) I was in the shelter. He came with his assistant. I didn't want to say anything in front of his assistant, and I didn't like the man. I knew his face as I saw him before. I was trying to recall in my memory and have a picture of where I last saw him and I remembered that I got to know him in a bar. I have seen him in the bar where I was, he was with a Bulgarian lady. I said this in front of everybody and he started to defend himself saying that it was not true. I said very sharply: I don't want to see him or say anything in front of him." (Kosovar girl trafficked at 16)

INTERVIEWS

The information provided by the children on their perceptions of the interviews highlight several issues which should be addressed, some of them are already the subject of discussions. Concern has been raised regarding the length and numbers of interviews conducted by separate actors that the victims have to go through, sometimes before being placed in a shelter.

Interview techniques, amount and length of interviews

All girls interviewed stated that they had answered many questions when they were first rescued and in some cases by several actors. After identification, it could happen that a victim is interviewed by TPIU, OSCE if she is identified in the region, CSW and later by IOM. Many of the questions will thus be the same. Discussions are ongoing on how to share the information in a better way in order for the actors not to make the victim repeat her story.

"I knew that they are police officers called TPIU, but who they are and why they ask

that many questions I don't know. My first interview lasted from 07.00am to 10.00 pm with breaks. For a month and a half I was taken very often to the interviews. When I got in this house (shelter) the TPIU came to visit me here and I was asked a few additional questions." (Kosovar girl, trafficked at 17)

"...there were 6-7 Police officers, some of them foreign and some KPS Officers, most of them male. I had to give the statement, there were so many questions. I felt very nervous and ashamed; whoever was passing over was telling me bad things: why are you wearing this kind of clothes, why do you have many earrings, why do you have that much make-up? I said: just because I like that look and it's my right. I didn't feel comfortable, I was scared. There were many people around saying bad things to me about my appearance." (Kosovar girl, first trafficked at the age of 14)

"I felt good because I wanted to speak to somebody who can help me to solve and close this problem for the rest of my life. I was tired, as I had given the same statement, I don't know for how many times, and I never forgot to add anything. I was asked the same questions by different people of TPIU. All the time there were two people, one foreign and one Albanian and the translator." (Kosovar girl, trafficked at 17)

"..., we went to report to Police and they were asking many questions, we were answering questions through the translator some 3-4 hours and afterwards IOM asked us more questions. I didn't know why they were asking so many questions, I was never told if my questions will be used or not until I went to court as a witness, to testify... ". (Kosovar girl, first trafficked at the age of 14)

Purpose of interviews

It is clear that the interviewed girls found it difficult to separate the actors conducting interviews and the aims of the interviews from each other. In general, the children did not know the person interviewing or the reason for the interview. In general the work-

ings of the criminal system are usually never explained to the child. In the case of the police, there were often different police officers conducting each interview, which confused the child even more.

"No I did not know why they asked me, I didn't ask them why, I wanted to speak about it, but they didn't tell me why there are so many questions being asked by TPIU and what they are going to do with my answers. No, I didn't know." (Kosovar girl, age 17)

"I knew that they are police, but who is doing what and why I didn't have a clue." (Kosovar girl, first trafficked at the age of 14)

"I didn't know, I wasn't told. I knew that I'm saying what I'm being asked but how and by whom the answers will be used, I didn't know." (Kosovar girl, first trafficked at the age of 14)

"I was asked many questions, the same question from different people, police officers; I don't know who they are. I know one of them, a foreign police officer, but not the others. They were 4." (Kosovar girl, age 16)

7.4 ANALYSIS OF SERVICES AVAILABLE

IDENTIFICATION AND PRESUMPTION OF AGE

According to the UNICEF/Stability Pact guidelines, all actors encountering victims of trafficking should adopt measures to identify victims, especially children, at the earliest point possible. The actors in Kosovo, responsible for identifying trafficking victims, have in many cases failed to do so.

Knowing that children have been forced into prostitution in establishments which are officially registered as restaurants or coffee bars shows the failure of the labour inspection monitoring the adherence to applicable law of these establishments, and it confirms the negative impact of not having a specialised strate-

gy for guaranteeing children are not present (working illegally or with a contract) in hazardous environments. This also shows the inefficiency of TPIU to expeditiously identify children victims of trafficking during the time that they are being exploited. Further, taking into account the possibility that some children are brought illegally into Kosovo, the border police have in some cases failed in identifying foreign children victims at entry into Kosovo.

There is suspicion that there are children who are camouflaged under false identities of adult women, and thus not afforded with special protection measures. The identification of children victims is closely connected to the issue of verification of age. Currently there are no specific measures taken for the verification of age, except from checking the date of birth on the passport. Some of the interviewed TPIU officers and border guards claimed that they would be able to distinguish a child from an adult by looking at their appearance, which is very unlikely and concerning as a 16 or 17 year old girl can look much older than she actually is. Although stated in the UNICEF/Stability Pact guidelines that until a young person's age is verified they should be treated as a child; the responsible agencies are currently not respecting this guideline.

In relation to the identification strategies used by the TPIU, it seems as if the registration of foreign women has taken over more time and work of the TPIU officers. This could mean that instead of focusing on active identification of victims, much time is spent on the surveillance and guaranteeing that all girls have registration certificates and renew them on time. This may mean that some children victims, are not being identified, as not enough time is being used to locate the places where children are working as waitresses and new places which are not on the off-limit list.

There are some cases of girl children registered with the TPIU who are working in off-limit bars in at least two regions of Kosovo. Whereas there is no direct legislative basis for the TPIU to prohibit off-limit bars to employ children between 15-17 years old according to 2001/27 UNMIK Regulation on Essential Labor Law in Kosovo (section 3), the same regulation could be applied for the prohibition for children to work in hazardous environments. Even if there is no direct evidence that chil-

dren are working as prostitutes or that prostitution is ongoing in a specific bar, there could be other circumstances making the establishment unsuitable. For example, if it can be concluded that she works outside the authorized working hours, that her health is negatively affected, her schooling is interrupted or it is harmful for the safety and morals of the child. (Art. 3 ILO Convention 182).

Within the TPIU, there is a complete lack of policy on action to be taken when identifying children in a setting where there is a slightest suspicion that prostitution or trafficking could be going on. Therefore the identification of child victims is too dependent on individual assessments. Both border police and TPIU officers stressed the different treatment and awareness of the issue of trafficking of officers, depending on nationality, previous training and experience.

A guardian is currently appointed in most cases of Kosovar victims, once the CSW has been involved in a case. However, there are cases when the CSW, for different reasons, has not been called by NGOs, TPIU or IOM, and thus has not been involved in the case.

QUESTIONING AND INITIAL ACTION

The initial interview, according to the UNICEF/Stability Pact guidelines, should only aim at achieving the basic biographical data of a child, in order to expeditiously transfer the child to a shelter. However, it seems as if the TPIU mostly takes a police statement from the child, just after the identification. There is a concern that the IOM screening, which takes place after the police interview, might prolong the time that the child has to wait to get into a shelter. The length and numbers of interviews contribute to the child staying for a long time in the police station, which usually is the location where the interviews are taking place.

Because of lack of awareness and lack of female personnel in the TPIU offices, male officers question the majority of the girl victims. Further, in some of the TPIU offices, there is no special interview room, meaning that the child has to speak in front of all TPIU officers working in the room.

REFERRAL OF CHILDREN VICTIMS OF TRAFFICKING

The identification is currently closely linked to the screening process and risk assessment, meaning that the initial interviews are more in-depth than only asking about biographic data. The shelters will not accept a victim without any security assessment, as it could be dangerous both for the child and other persons already accommodated in the shelter. In the case of children, in order to quickly transfer the victims to a shelter for rest, the ISF shelter could be better utilized. It would be possible, in the case of children victims, to transfer them to the ISF shelter after a first short interview with the police, then the child could be transferred to an appropriate shelter where the IOM could meet with the child. This would go also in line with the Tirana Agreement¹⁵⁴, signed by UNMIK representatives in December 2002, where it was agreed that victims have the right to a recovery time, before they decide about the future plans and the repatriation.

Until today the facilities of the Forensic Clinic of the DOJ (Office on Missing People and Forensics) have been utilized to a very limited degree even if an examination could add crucial evidence to a court case, meaning that the dependency on the victim's statement could be limited¹⁵⁵. Children victims of trafficking, should be sent for a forensic and medical examination before going to the shelter.

7.5 RECOMMENDATIONS: IDENTIFICATION AND REFERRAL PHASE

- All actors should adopt the definition of a child according to the CRC¹⁵⁶.
- All agencies should develop strategies for a pro-active identification of child victims of trafficking and procedures to be followed when a child victim of trafficking has been identified.
- Identification of victims should not only be conducted by law enforcement officers, but by other organizations (including social work-

ers or NGOs) through the establishment of outreach programs.

- TPIU and border police should develop special procedures for age verification. A victim of trafficking, whose age has not yet been verified, but who gives reason to believe is a child, should be treated as such until the actual age has been verified.
- Border guards and TPIU should be trained in child rights, special needs of the child and child sensitive interview techniques.
- All actors dealing with trafficking victims need access to proper interpreting services in order to communicate with foreign victims of trafficking.
- TPIU should increase its efforts to identify and assist all child victims of trafficking. TPIU's first contact with a girl or woman suspected of being a trafficking victim should concentrate on explaining the risks connected to her contract, the dangers of trafficking and possible assistance available. (During bar visits or registration in TPIU office).
- TPIU should develop a strategy for action when children are found in off-limit bars or other establishments where there is suspicion that prostitution services may be offered. This strategy should be based on co-operation with CSWs and labour inspection, in order to make sure that no children are working in hazardous environments.
- Children suspected of being trafficking victims and found in bars, should always be interviewed in the presence of a social worker and in a different location than the establishment where the child was found.
- The tax administration, sanitary and labor inspection needs to be further involved in the issue of trafficking, as they have the mandate to monitor the situation of children between 15-17 working with or without a contract or tax payer number, in establishments such as restaurants, coffee bars and hotels. The TPIU and Labor and Sanitary Inspections should increase the information sharing.
- The TPIU should be allocated sufficient resources in order to be able to carry out effi-

cient undercover investigations. Further, the TPIU should be allocated appropriate space in the police stations including access to separate interview rooms.

- Border police should develop an active strategy for monitoring cases where a child passes the border with adults other than parents or legal guardians, for example investigate the possibility of requesting parents authorization for children under a certain age to pass the border. A TPIU officer, preferably female and trained in child sensitive interview techniques, should work closely with the immigration unit in the airport and other border crossings.
- All actors should call and involve the CSW when a child victim of trafficking has been identified. The CSWs should serve as the central actor in cases of children victims of trafficking. The CSWs should appoint legal guardians for all children victims of trafficking. An appropriate solution for the appointment of legal guardians for foreign child victims of trafficking has to be sought. The possibility of appointing the DSW in cases of foreign victims has to be looked into¹⁵⁷.
- One CSW case manager/legal guardian should be appointed in the municipality where the child is sheltered, in order to closely take part in all proceedings related to the child. In the case that the shelter is located in a different region than the family's residency, a case manager of the CSW should also be appointed in the municipality where the family of the child is residing. This case manager will be involved in assessing the family situation, prepare for the reunification (if in the best interest of the child) and support the child and the family after reunification, preventing re-trafficking.
- A specific person (and replacement) should be appointed within each CSW as a focal point for trafficking issues¹⁵⁸. Ideally if the child victim is female then the case manager and/or the assistant should be female.
- All CSWs should adopt a standard filing system that respects the confidentiality of the child trafficking cases (Prishtina/Pristina CSW filing system could be used as a model).
- All actors should ensure that each child victim, from the very initial stage, has a Victim

Advocate who is sensitized on children's special needs as well as trained in ways of carrying out the duties in a child appropriate manner.

- The total numbers of interviews and the length of the interviews should be limited as much as possible with increased coordination and information sharing between the different actors. Children should only be questioned about biographic data after their identification, in order to expeditiously move them to a shelter. Interviews should be carried out in specialised room, where a minimum of relevant persons should be present.
- The foreign victims should be provided with some time of rest before agreeing to be repatriated, in line with the Tirana Agreement, 2002.
- TPIU, CSW and all other agencies should only place children victims of trafficking in shelters designated for children victims of trafficking.

8. ASSISTANCE AND SERVICES DURING THE SHELTER PERIOD

8.1 UNICEF/STABILITY PACT GUIDELINES

INTERIM CARE AND PROTECTION

Main guiding principles of the UNICEF/Stability Pact guidelines, step 5
<ul style="list-style-type: none"> • Child victims are entitled to receive immediate care and protection, including security, food, safe accommodation, access to health-care, psychosocial support, legal assistance, social services and education. In the cases of children with special needs (including pregnancies, psychosocial distress, handicaps) they should be provided with appropriate care.
<ul style="list-style-type: none"> • Guardians in co-operation with social services and NGOs should carry out an individual needs assessment.
<ul style="list-style-type: none"> • No child should be placed in a law enforcement detention facility.

REGULARIZATION OF STATUS

Main guiding principles of the UNICEF/Stability Pact guidelines, step 6:
<ul style="list-style-type: none"> • Relevant state authorities shall establish policies and procedures to entitle foreign child victims to automatically be granted a temporary humanitarian visa¹⁵⁹.
<ul style="list-style-type: none"> • In the case of need, temporary documentation should be provided.

8.2 SERVICES AVAILABLE

Foreign victims are in almost all cases placed either in the shelter of Center for Protection of Victims and Prevention of Trafficking in Human Beings (CPVPT) or in ISF in Prishtina/Pristina, before being repatriated. Since January 2003 an international NGO with two shelters has started to admit victims of trafficking and most Kosovar children victims have therefore been placed in one of the two shelters of this international NGO. At the same time, a considerable number of children have been placed in domestic violence shelters or in the shelter of CPWC.

All shelters have different types of assistance available for the victims, depending on the resources of the shelters and awareness of the shelter providers.

In all shelters the basic direct needs are provided for, including food, accommodation and health care. However, it has been observed that lack of funds in some cases has resulted in poor food quality. The provision of psychological support, training and recreational activities is differing between the shelters. In general, the daily activities in the shelters specialized for trafficking victims are well planned and aimed at developing the skills of each child as well as to integrate the child into the schooling system. The shelters for domestic violence victims do not have any special programs for the sheltered child victims of trafficking, as they are rather designed to match the needs of mothers and small children. The security of the victims in the domestic violence shelters remains a concern, as some of the children victims housed in domestic violence shelters have disappeared. The disappearances are generally spoken about as "escapes", but there is also a risk that some of the children have been found by their former traffickers.

Some shelter providers adopted a paternalistic view on how to treat the victims describing the needs of teaching the girls how to dress, move and talk. This approach can only perpetuate the girl's feelings of shame and guilt.

PSYCHOSOCIAL SUPPORT

IOM provides psychosocial support to victims, who are on their way to be repatriated to their home countries, as well as to some Kosovar victims assisted by the organization¹⁶⁰. Some of the shelters employ their own psychologists or have a psychologist working in the shelter, including a child-psychiatrist in the shelters for children. A local NGO, 'One to One', is specialized on providing psychosocial support, and 6 children victims of trafficking have been referred to this NGO by law enforcement, shelters and KFOR¹⁶¹.

The fact that the psychological support services are provided by many actors, without any coordination or special agreement on the areas of responsibility, raises a concern that the services are duplicated and that some children may get uncoordinated psychological support from different agencies at the same time.

EDUCATION

Some NGOs provide private tuition for the Kosovar children in the shelters. The schooling seems to be provided on an individual basis, and depending on the resources of the shelters. Many of the victims are illiterate and have lost years of schooling because of their trafficking experience and, in many cases, their schooling was minimal prior to being trafficked. The reintegration of the child into the regular schooling system is a great challenge. It would be very difficult to send the children to school with much younger age groups. Thus, the shelters, which are providing schooling for their beneficiaries are today employing private tutoring. However, there is no possibility of certifying this tutoring in

order for the children to have a certificate of their level of schooling which means that they would not be able to, go on to higher education or to show their schooling records when looking for a job.

LEGAL ASSISTANCE

There is no functioning system set up to make sure that all victims of trafficking get legal information and assistance. As it works today it depends from region to region, and the awareness of the actors involved in the assistance given to the victim. It is envisioned that the victim advocates (VA) will be increasingly involved in assisting victims of trafficking, and that each victim will have a VA appointed at the first stage of identification who will follow the case all way through, until the victim is reintegrated.

HEALTH CARE

Each shelter is responsible for their own cooperation with hospitals and doctors. Some shelters have negotiated free health services, whereas others cover the expenses with the shelter budget.

8.3 VIEWS OF CHILDREN

The children interviewed for this research have stayed in several shelters, and thus have opinions on shelters designated for domestic violence victims and shelters especially designed for children in need of protection. In general, the children were feeling uncomfortable staying with adults who had different experiences, whereas the issue of staying with children of different ages was not seen as such a big problem. In the shelters designated for domestic violence, the girls were isolated and sometimes stigmatised as they could not talk about their experiences to the other women living in the shelter. The children living in the shelter designated for children in need of protection, felt happy about the daily activities which included schooling and other training.

LIVING IN MIXED SHELTERS

"There were mothers with small kids, I didn't see any problem to be with them to share the facilities, but it was a bit difficult as they had other life stories behind. I would never speak to them about my experience. What would they think about me, you know our mentality.... I'm well aware of it as this mentality deprives me of having a normal life, getting married and having family. Today I'm very isolated, I don't have any friends, I can't go out, I live in the village, everybody knows me and about me. The story of divorce is much more acceptable than my story." (Kosovar girl, first trafficked at 16)

"There were mothers with small kids. They are different types of cases, married girls having problems with their husbands or divorced mothers. There was a girl with the same experience as mine. Most of the time we were together. It was very noisy in that house. Those ladies were having fights for small things. I couldn't stand that and I was more isolated, I had duties assigned and I was looking after myself." (Kosovar girl, 16, first trafficked at 14)

"There were some young girls, already married and divorced, with painful stories, I was listening to them but never saying anything about my previous experience, they could have taken this wrongly, they will never understand me. But still it was very good to be there, every day I was getting more and more relaxed." (Kosovar girl, first trafficked at 16)

"I'm here for a year and half and I'm very happy to be here, I never had such a good life, this is my family. Before I came here I was accommodated in another shelter I was there for several days and I didn't like it at all. There were mothers and their kids and I didn't feel comfortable of being there..."

DAILY PROGRAM AND ACTIVITIES

"I woke up at 8 am and make up the bed. I had to clean the kitchen and to prepare the

breakfast. At 2 pm we were having lunch, I was helping to cook the lunch and then dinner at 8 pm. There were no activities, everybody was doing what they wanted to do. Since the shelter was more for mothers and kids, there was nothing to do..." (shelter for victims of domestic violence)

"...I wake up in the morning, there is a rule of house that we should wake up at 8 am, I make up my bed. I have breakfast and then I have classes with my teacher. I have started from the very beginning, from ABC, I never went to school before. Then we have lunch and then we have some dancing, listen to music, internet..." (shelter for children in need of protection)

8.4 ANALYSIS OF SERVICES AVAILABLE

An assessment of the care and protection needs of the children victims is only carried out in some shelters in accordance with the UNICEF/Stability Pact guidelines, and does not always include the case manager from the CSW and the legal guardian.

It is concerning that some representatives of NGOs described a very paternalistic way of treating the victims, which may perpetuate the girls' feelings of shame and guilt and limit their possibilities of recovering from the trauma.

There is a lack of alternatives for girls who don't want to be placed in a shelter and who cannot or do not want to go back to their families. If a girl does not accept the rules of the shelter, this may mean that her only option is to go back to the bar, as she cannot be placed in a shelter by force. In order to prevent the return of these girls to the bars other alternatives must be developed.

8.5 RECOMMENDATIONS: SHELTER PHASE

- All assistance to be provided to a child should go via the CSW case manager and the

CSW should be the central point for assistance provided to children victims of trafficking.

- Training of NGO and CSW personnel on how to prevent re-victimization of the victims.
- Innovative solutions should be created dealing with cases when girls refuse to be placed in a shelter and cannot return to live with the family, for example semi-independent living facilities of different types including small independent flats.
- The actors providing psychological support should coordinate their services in order not to duplicate the sessions.
- Possibilities of alternative certified schooling should be created for children victims of trafficking in cooperation with the Ministry of Education.

9. REINTEGRATION AND LONG TERM ASSISTANCE

9.1 UNICEF/STABILITY PACT GUIDELINES

IMPLEMENTATION OF A DURABLE SOLUTION

Main guiding principles of the UNICEF/Stability Pact guidelines, step 8:

- Every child victim is entitled to protection and long term care in the country where they find themselves.
- In situations where the child can not return to the family safely, in accordance with the best interest of the child, the social services should make adequate long term care arrangements
- All long-term solutions should favor family and community based arrangement rather than residential care.
- In all cases of reintegration, whether in country of origin- or reception and whether return to family or other solutions, child victims are entitled to long-term care and protection. (including: security, food, accommodation, health care, psychosocial support, legal assistance, social services and education).
- Social service authorities, in cooperation with relevant international and non-governmental organizations should monitor the life situation of the child following his or her family reunification and or placement in alternative care.
- Return to country of origin: Child victims shall not be returned to their country of origin if, following a risk and security assessment, there are reasons to believe that the child's safety or that of their family is in danger.
- In the cases that a child is repatriated, the guardian, parent or a social worker should receive the child. Upon return, the child is entitled to a long-term reintegration program.
- Resettlement in a third country should be made possible in the case that a safe return to the county of origin or reintegration to country of destination is not possible.

INDIVIDUAL CASE ASSESSMENT AND IDENTIFICATION OF A DURABLE SOLUTION

Main guiding principles of the UNICEF/Stability Pact guidelines, step 7:

- Child victims should not be returned to their country of origin unless, prior to the return, a suitable care-giver such as parent, other relative, other adult care-taker, a government agency, a child-care agency in the country of origin has agreed, and is able to take responsibility for the child and provide him/her with appropriate care and protection.
- The views of the child should be taken into consideration when considering family reunification and/or return to the country of origin and in identifying a durable solution for the child.
- Social service authorities, in cooperation with relevant ministries should take all necessary steps to trace, identify and locate family members and facilitate the reunion of a child victim with his/her family where this is in the best interest of the child.
- Documentation should be collected in order to conduct a risk and security assessment of the possibility of reuniting the child with his/her family.
- Once sufficient documentation and information has been gathered, the relevant social service authority shall decide in conjunction with the guardian, and relevant Ministries, and, where relevant and/or appropriate, representatives of the embassy of the country of origin, on the final disposition made in favour of the child.
- The respective Ministries, in conjunction with the relevant social worker authorities and/or guardian, should be responsible for establishing whether or not the repatriation of a child victim is safe, and ensure that the process take places in a dignified manner, and is in the best interest of the child.

9.2 SERVICES AVAILABLE

This chapter will for practical reasons be divided between the reintegration assistance given to Kosovar and foreign victims. In the case of Kosovar children victims, IOM, CSW and local NGOs are involved in the reintegration. Foreign child victims are repatriated to their country of origin, and once home assisted by IOM, CSWs and NGOs. However, this study does not include research on the reintegration programs carried out by non-Kosovar actors in the countries of origin.

FOREIGN VICTIMS

Repatriation

IOM is in charge of the preparation for repatriation of foreign victims, which takes about 1-4 weeks, depending on arrangement of travel documents.

The first step of the IOM is to develop a needs-assessment with the victim, by obtaining information about her family situation. At the same time, the IOM mission in the country of origin is informed in order to start preparing for the return of the victim. According to IOM Kosovo, in the case of a child, the IOM mission in the home country establishes contact with the social workers to assess the family situation. However, it is concerning that no formal report assessing the family situation is sent from the CSW or IOM in the country of origin to IOM and CSW in Kosovo before repatriation takes place. It is not clear on exactly what basis and outcome of the family assessment that the children are sent home and reunified with the family¹⁶². No formalized system is put in place for making sure that the child is not sent back before a durable solution has been located. According to IOM, children never travel alone back home, but always accompanied by either an IOM official or a returning adult victim.

After the repatriation, the IOM mission in the country of origin takes care of the case according to available means and resources¹⁶³.

KOSOVAR VICTIMS

The rehabilitation and reintegration of Kosovar victims of internal trafficking is extremely difficult. Kosovo covers a small geographic area, which challenges the reintegration, as a trafficking victim is exposed to meeting people who abused her. Further, the very characteristics of the victims' family backgrounds, mainly dysfunctional, poor, with low levels of education and traditional views, present an obstacle for her reunification. Because of traditional views and a low awareness of trafficking, she may be blamed for the crime that was committed against her.

Presently, apart from reunification with the family, there are no existing long-term alternatives for Kosovar children victims of trafficking after the period in the shelter. Some children have stayed for over a year in a shelter as, for different reasons they cannot go back to their families, but most children victims have been reunified with their families. When this study was completed, no children victims of trafficking had been provided with foster families. The general concern related to the reunification of children victims of trafficking with their families is that no extensive assessment and analysis is carried out in and around the possible negative impact of the reunification.

The preparation for family reunification mainly consists of family visits where it is explained to the family the importance of integrating the child into the home. It is questionable if a couple of awareness raising sessions with the family is enough to provide a comfortable environment for the girl, who in many cases previously run away from home because of family problems. Apart from the concerning fact that some girls may be reunified with families in which they may have been abused, there is also a problem understanding to what degree the family and community will be willing to accept the child because of prejudices. This shows the great need for creating alternatives to family reunification in the cases that this option is not in the best interest of the child¹⁶⁴.

The stigmatization of victims of trafficking by society shows that there is a great need for awareness raising among general society on the issue of trafficking and sexual violence against women.

The role of the CSWs during the reintegration phase

The CSWs are not able to give any long-term assistance to the victims. Currently, the CSWs see it as their role to establish links with the family, during the time that the child is in the shelter. However, there seems to be very little analysis on the possible consequences when the child is sent back to a dysfunctional family. Because there are no available options for reintegration, the CSWs can only offer to put the family of the victim on the pay roll for social benefits, which ranges between 35-75 Euros per month, in the cases that the family fulfills the conditions for social assistance.

IOM's support to reintegrated Kosovar victims

IOM has been involved in assisting some Kosovar victims, mainly via providing contacts with local NGOs which could offer services to the child after reunification with the family. A pocket money of 50 Euro is in some cases given during the first 6-9 months.

9.3 VIEWS OF CHILDREN

Three of the girls who were interviewed for this study had been reunified with their families. Out of them, two were living in complete isolation only spending time with their families and mostly not leaving the house. The third girl was happy to have found a job, but was still isolated within her community. The following statements illustrate the great concern related to prejudices in society, lack of support to the children after they have been reunified with the family and the lack of alternative options apart from reunification with family or staying in the shelter.

"I was in contact with my family since I was in the shelter and we have discussed the issue of getting reunited with my other family members and my father. I stayed there a little bit longer as I wanted to leave my bad experience there and start a new life." (Kosovar girl, 16, first trafficked at 14)

"My first contact with my family, my father, was through the phone, I knew that he had a lot of contacts with the CSW so things were getting a bit calmer. After a month my father came to visit me, not in the shelter but here in the office (the office of the NGO). I was so scared to go in and talk to him, I was looking at his hands through the key hole, I was afraid that these hands will beat me up again. I met him and things started to move slowly. He wanted to take me back home with him, but I said that I was not ready. I started to get relaxed but I needed some more time before I went to live with them. There was not much choice, just go back home and live in poor conditions, but still I am happy being back home. I've told my father that it's his fault that I went out of home and that people may have made money from me. I've made it very clear, in the case that he just thinks of beating me again I will escape from home and report him to the police." (Kosovar girl, trafficked at 16)

"My case manager (CSW) was visiting me often. He is very good, he helped me a lot, I am very thankful to him, he convinced my father to receive me back home." (Kosovar girl, age 16 when trafficked)

"Yes, I would like to go back to my family and one day I will be with them. My father is changing his mind. I made a mistake. I didn't listen to his advice, but I am getting ready to live there with them. I won't go back now, there are still things that I have to complete here, like school and then after, when they are ready and I'm ready we will get together." (Kosovar girl, age 17)

"..... I'm at home, helping my father, working in arable fields in agriculture, trying to get some income. I do not go anywhere; I don't talk to my aunts neither to my uncles, not to my cousins. They know my history

and they look at me differently. They wouldn't like to see their children getting friendly with me. This is the first time after almost a year that I went out. I'm so happy to be here today. I would like so much to have activities where I could meet people. I don't know anything about any agency in my town that could help me." (Kosovar girl, trafficked at 16)

"There was not much choice, what to do, the only one choice is to go back to the family or to stay in the shelter." (Kosovar girl, 16, first trafficked when 14)

FUTURE PLANS AND PRIORITIES

The girls, who had been reunified with their families, were more pessimistic about their future than the girls who were still in the shelter. The girls who were living with their families could not envisage getting married or having a family and were feeling lonely and wishing that they would have some activities during the day, like a job or vocational training. It is important to note that girls who have once been trafficked and who encounter themselves in an isolated situation without any recreational or training activities and without a positive outlook on the future, are very vulnerable to being re-trafficked.

"I don't know what I am going to do, except being at home, helping my family. I know that it is too hard for me to get a new life, get married, who is going to marry me?" (Kosovar girl, trafficked at 16)

"I don't want to go back home, I'm here for a year and half and they (shelter management) are trying to find a solution for me. I hope this is going to work. If this works we (2 girls) will have a flat, nearby the house where we are today, and we will start a more independent life. Today, my priority is to finish the school. I like this very much and it is very important for me, for my future. I was forced by my parents to drop out school when I was just 9 years old." (Kosovar girl, 17)

"I speak about the future with the staff in the house, and I know that my will is very important, and I know that the decision will be taken with my opinion too." (Kosovar girl 17, survivor of trafficking living in a shelter designated for domestic violence)

"I decide about the future myself together with shelter and the CSW, we all discuss what is best for me." (Kosovar girl, 17)

9.4 ANALYSIS OF SERVICES AVAILABLE

The IOM is in charge of all preparations for the repatriation of foreign children victims to their countries of origin. It is a concern that no special procedures are followed in connection with assessing possible negative impact of family reunification. Although CSWs are the main responsible body for foreign children without parental care in Kosovo, they are not involved in the cases of foreign children victims, or involved in the assessment of the reintegration.

Foreign children victims of trafficking are not granted the option of receiving long-term protection and care in Kosovo, as recommended by the UNICEF/Stability Pact guidelines. The care given to foreign children victims in the shelters is currently rather seen as interim care on the way to being repatriated.

One of the greatest concerns regarding the reintegration of Kosovar children victims is the lack of alternatives to either reunification with the family or staying in the shelter. In general there is too little analysis conducted before sending a child back to the family and the families receive too little preparation. This is a great concern, in view of the very clear trends of dysfunctional family backgrounds of children victims of trafficking.

There is a lack of services connected to the reintegration and reunification with the family. Currently, children are left alone without any support after the reunification and find themselves isolated by the community. These children form a vulnerable group at

risk of being re-trafficked. In order to improve the situation of children who have been reunified with their families, and create a hopeful future for them, there is a great need for support like vocational training and job searching services including continuous contacts with the CSWs, who should monitor their situation closely.

For reasons of security there have been no cases of third country repatriation except for one case where a girl had dual citizenship.

9.5 RECOMMENDATIONS: REINTEGRATION

- Alternative solutions should be developed and supported for survivors of trafficking who for different reasons cannot be reunified with their families, and no longer need to stay in a shelter, for example semi independent living facilities and subsidized housing.
- An extensive approach and strategy on family assessment should be developed, where the views of the child and legal guardian are weighed together with the past experiences of the child in the family.
- CSWs should closely monitor the situation of children survivors of trafficking who have been reunified with their families, follow-up visits and assessment of their situation.
- A broad assistance program for children survivors of trafficking reunified with their families should be provided, including provision of education and vocational training.
- Possibilities of long-term solutions should be provided for foreign children who for different reasons cannot be repatriated to their country of origin.

10. CRIMINAL JUSTICE PROCEDURES

10.1 UNICEF/STABILITY PACT GUIDELINES

ACCESS TO JUSTICE

Main guiding principles of the UNICEF/Stability Pact guidelines, step 9:
• Child victims have the right to be fully informed about security issues and criminal procedures prior to deciding whether or not to testify in criminal proceedings against persons who are suspected of involvement in the exploitation and/or trafficking in children.
• Child victims of trafficking have the "right to recovery time" before deciding whether or not to pursue criminal proceedings against the trafficker.
• Assistance to the child victim of trafficking should not, under any circumstances, be conditional on the child's willingness to act as a witness.
• The taking of a statement by a law enforcement officer or investigating judge shall in no way inhibit or delay family reunification or the return of child victim to the country of origin if it is in the best interest of the child.
• Direct contact should be avoided between the child victim and the suspected offender during the process of investigation and prosecution as well as during trial hearings as much as possible.
• Law enforcement authorities, in cooperation with social services and non-governmental organizations, should make available necessary legal representation, as well as interpretation into the native language of the child, if necessary.
• States should consider, if necessary, amendments of their penal procedural codes to allow for, inter alia, videotaping of the child's testimony and presentation of the videotaped testimony in court as an official piece of evidence. In particular, police, prosecutors, judges and magistrates should apply child-friendly practices.
• Child victims should be provided with information regarding their right to initiate civil proceedings against traffickers and other persons involved in their exploitation.

- Child victims who agree to testify should be accorded special protection measures to ensure their safety and that of their family members in both countries of destination, transit and origin.

10.2 SERVICES AVAILABLE

The judges and prosecutors in Kosovo are both Kosovar and international with the international prosecutors being assigned cases related to organized crime and war crimes, i.e. high risk cases. The most serious crimes, which are threatening general society, are acted against in a public prosecution and if there are reasons to believe that a serious crime has been committed, the prosecutor will take legal action, regardless of the will of the alleged victim of the crime¹⁶⁵. The police are obliged to start an investigation when there are reasons to believe that a serious crime has been committed.

The crime of trafficking in human beings is a systematic violation of human rights and will thus always be prosecuted by the state. This means that when a potential victim is identified, the TPIU collects available evidence, prepares a file and hands it over to the prosecutor's office automatically. The prosecutor then decides if there is enough evidence to take legal action¹⁶⁶.

TESTIMONIES

In trafficking cases, the main evidence used is a witness statement and the witnesses are often the victims of trafficking. There are very few victims of trafficking who testify in front of the court. It is possible for a witness to give a statement during the investigative phase, which will be acceptable only if the defence has been given the opportunity to question the witness¹⁶⁷. In the cases of foreign victims, some leave the country without giving a statement to the prosecutor (or investigative judge under previous legislation) and most of the victims

have been repatriated before the trial¹⁶⁸. If the victims leave the county without giving their testimonies during the investigative phase, the case will most likely be abandoned for lack of evidence. However, even if a statement was given during the investigative phase, practice has shown that reading the statement during the court sessions is not effective unless the victim appears at court. In the case of Kosovar victims, most are too scared to testify given the lack of a witness protection scheme.

WITNESS PROTECTION¹⁶⁹

A victim of any crime will mostly not speak about his or her experiences unless he or she feels secure and protected. This means, that in order to increase the number of victims testifying in court, and thus also the number of sentenced traffickers, an extensive witness protection scheme has to be put in place. Victims of trafficking are most often victims of organised crime and are very vulnerable. Having escaped from the trafficker does not mean that the victim is safe. The fact that trafficking often involves an organised ring of people means that if one person is imprisoned, there could still be many individuals out there, who could pose a threat to her or her family.

The managing of a witness protection program in Kosovo is very difficult because of the relatively small geographic area. The relocation of victims who serve as witnesses is problematic as they easily could be found within Kosovo. Also, for the same reason, the risk of intimidation before, during and after trial is high. OSCE LSMS has monitored several trafficking cases, where witnesses admitted that they had been intimidated, and other cases, where there was suspicion that the witness had been

subject to intimidation as the statements suddenly were changed or withdrawn¹⁷⁰. Partly as a response to the problem of protecting witnesses in trafficking cases, the ISF shelter was established in June 2003. Until April 2004, this shelter has hosted 4 children of which none was a witness¹⁷¹.

Cases of intimidations against children witnesses and attempts to convince them to withdraw their statements were related during the research, both by children themselves and by NGOs assisting children victims.

"Our case went to court and the man was convicted, even though my friend withdrew the statement. I don't know what happened to her, I think that she received money as I was offered money too. I was offered 3000 euros to withdraw the statement, but I didn't do that." (Kosovar girl, 16, first trafficked at 14)

There are two ways of providing protection for witnesses in criminal procedures in Kosovo; via the Witness Protection Unit (WPU) and by special measures stipulated in the Provisional Criminal Procedure Code of Kosovo.

1. The Witness Protection Unit (WPU) provides physical protection before, during and after trials, but is restricted to a limited number of cases of organised crime, war crimes and high profile cases¹⁷². The witnesses who are admitted to the protection programme are transferred with their families to a safe location in Kosovo and there is a possibility for the WPU to arrange for the witness to settle down outside Kosovo after the trial. However, the financial restrictions of WPU are limiting the numbers of cases that can be managed, which has negatively influenced trafficking cases (often trafficking cases do not fall under the mandate of the WPU)¹⁷³.

2. The Provisional Criminal Procedure Code of Kosovo, article 170, provides for special measures to protect a witness by preventing disclosure of his or her identity¹⁷⁴. However, given the recent introduction of

this legal instrument, no trafficking cases have used these special measures.

In cases involving children, the problem has usually been that none of the actors involved were prepared or aware of the special needs of children. Neither police, investigative judges or prosecutors were sensitised on the special treatment that children need in terms of safety and at the same time to be able to make use of their statements. This has resulted in devastating effects for the emotional states of the children and inefficiency in proceeding with the court case.

SPECIAL PROVISIONS FOR CHILDREN WITNESSES:

With the entering into force of the new Provisional Criminal Procedure Code, on 6 April 2004, the safeguards for protecting children witnesses have been improved. Further, since the Juvenile Justice Code, was passed on 20 April 2004, special provisions have been introduced for court cases dealing with crimes committed by adults against children. However, the new measures have not yet been used in a trafficking court case. Children are vulnerable and do therefore require special treatment according to their maturity, age and individual needs. The fact that a witness is a child, should not make the testimony less credible, but should be considered as having the same reliability as a testimony from an adult.

The following safeguards are provided for in the Provisional Criminal Procedure Code of Kosovo:

- The appointment of a child psychologist or other expert, who could be called for examination of any person under the age of eighteen in a child sensitive way. (Article 164. 6)
- Only the presiding judge is allowed to conduct the examination of children under

16 years old. However the public prosecutor or defence may request to ask further questions. (Article 165.4)

- If the testimony of a child under the age of 14, victim of trafficking or sexual violence, has been taken during the pre-trial proceedings and the defence has been provided with an opportunity to challenge it by questioning, the statement shall be read out by the court and the child shall not be examined. (Article 361.2)

The Juvenile Justice Code establishes in Article 141.22 that a juvenile panel and juvenile judges will try adults for some criminal offences committed against children, including trafficking in persons.

The following safeguards are provided for in the Juvenile Justice Code of Kosovo:

- All institutions involved in the proceedings of offences committed against a child shall act with particular care, avoiding possible harmful consequences for the upbringing and development of the child. The examination of the child has to be done with the assistance of a pedagogue, psychologist or another expert. (Art. 143.1)
- When a child is examined as a witness, such examination shall be conducted twice at most. (Art. 143.2)
- Special procedures should be used for the examination of a child witness, like using closed circuit television (Art. 143.3.), examinations conducted in the child's home or in another location than the court room.

PROSECUTIONS

Until the middle of April 2004, 29 people were convicted for offenses relating to child trafficking, receiving prison terms ranging between 1 and 5 years¹⁷⁵.

OSCE LSMS expresses concern that the judges in some cases have not followed the UNMIK regulation when sentencing. There are a number of trafficking cases, where the sentence is lower than two years, which was the minimum applicable sentence according to the UNMIK regulation before 6 April 2004¹⁷⁶. The DOJ is presently preparing a detailed study on all trafficking cases, which will be analysed in order to draw conclusions and offer recommendations¹⁷⁷.

Currently ten cases of trafficked children are at different stages of criminal proceedings.

10.3 VIEWS OF CHILDREN

Four of the interviewed children had been through or have a pending court case. Before appearing at court, they did not receive any explanation of how their statements will be used. In the cases of the girls who already appeared in court, they were not introduced to the procedures of the trial and their own role in it. When asked about their views on the possibility of getting their statements videotaped, all the girls were in agreement thinking it would take less time. This indicates that prosecutors should make use of special measures avail-

TABLE 7: NUMBER OF COMPLETED TRAFFICKING COURT CASES¹⁷⁸

Year	Cases involving a foreign victim		Cases involving a Kosovar victim	
	Total number of cases	Number of cases involving a child victim	Total number of cases	Nr. of cases involving a child victim
2000	3	2	2	2
2001	19	2	4	3
2002	14	1	8	4
2003	10	1	14	4
2004 (until April)			4	1
Total:	46	6	32	14

able to reduce the stress put on the children. None of the girls had been informed about security issues connected to the court case and the provision of a statement. The girls interviewed seemed very unaware of potential security threats against them.

The stories of the interviewed girls show the importance of the Victims Advocates of the Department of Justice becoming more involved in trafficking cases and also to be trained in special techniques for working with children.

"Then I was interviewed by the investigative judge, it was terrible, he was asking a lot of questions, I was so stressed, he didn't give us the break, I started to cry, my friend did that too, then he gave us half an hour break." (Kosovar girl 16, first trafficked at 14)

"I didn't know anything before I went to the court, my father told me a little bit about it, but I didn't know who the judge is and who the prosecutor is. But I know today, as they were presenting themselves at the court." (Kosovar girl 16, first trafficked at 14)

"I didn't know anything about how these things work. Just before the court entrance I asked a few questions to the judge, who was going to address the questions." (Kosovar girl, trafficked at 16)

"Two ladies of the shelter asked me whether I would like to be recorded so I don't have to repeat the same answers, but I don't know whether my answers were recorded in the end." (Kosovar girl, 17)

10.4 ANALYSIS OF SERVICES AVAILABLE

Since the Provisional Criminal Code of Kosovo and the Juvenile Justice Code, has been introduced the provisions safeguarding the protection of children witnesses in court

have improved. The issue now is how to make the prosecutors and judges aware of the existence of these provisions and the importance of applying them.

In relation to the provision of legal information and preparation for the court case, this was non-existent in the cases of the interviewed girls. Children, who went to court, many times knew nothing about the court procedures and had not been introduced to the courtroom and the roles of the different people.

10.5 RECOMMENDATIONS: COURT CASES

- Child witnesses have to be introduced to the working of the criminal system at an early stage and in a child sensitive way. For example, organising a court school by DOJ VAAU, in order to prepare the children for the court proceedings.
- Children witnesses have to be fully informed about the security issues before giving the statement.
- Install a special unit in the DOJ VAAU to be in charge of cases involving children.
- Police, prosecutors and judges should take use of special measures in cases when the witness is a child, such as video taped statements, exclusion of public, closed TV systems circuit etc, to minimise possible harm or trauma on the child during or after the court proceedings.
- Prosecutors and judges should take appropriate measures to ensure that children are interviewed in a child sensitive way including the appointment of a psychologist.
- Special procedures should be implemented for collection of evidence in order to reduce the number of interviews, state-

ments, hearings or unnecessary contacts with the justice process.

- Police protection should be provided to children witnesses until they feel that they are safe via measures like: hotline, mobile kit and weekly meetings with contact police.

Part 4:

MAIN RECOMMENDATIONS

IN GENERAL

The definition of a child

It was concluded by this study, that the awareness of the age of a child according to applicable law was very low among many of the main actors responsible for identifying and assisting children victims of trafficking. The definition of a child as any person under the age of 18 is set out in the Convention on the Rights of the Child, Law on Social Protection (Art. 15), the Juvenile Justice Code (Art 2.1) and the Provisional Criminal Code (Art. 107.21).

- All actors involved in the identification and assistance of child victims of trafficking should adopt the definition of a child according to the Convention on the Rights of a Child.

Protective environment for Children

Children can only be freed from exploitation and abuse when they live in a "protective environment" that protects them against exploitation. A protective environment is a safety-net preventing abuse from happening. A protective environment is about living in safety and dignity. It helps to ensure that children are in school, laws are in place to punish those who exploit children, governments are truly committed to protection, communities are aware of the risks children face, civil society addresses certain "taboo" issues and monitoring is in place to identify children who are at risk of exploitation.

- All actors should make every effort to prevent trafficking before it happens, through the creation of a protective environment that ensures children are protected from violence, abuse, neglect and exploitation - this protective net should be developed by parents, social workers, teachers, doctors, neighbors, etc.

Combating gender discrimination including domestic and sexual violence

It was clear from this research that trafficking in women and children has to be viewed from a perspective of gender inequality and continuous violations of women's human rights. Without improving gender equality and respect for women's human rights, the issue of trafficking cannot be solved. To guarantee that women do not resort to precarious activities, which may end up in trafficking, women have to be given equal access to education, work and the political sphere. Considering that a high percentage of trafficked women and girls come from dysfunctional families, and have experienced domestic and sexual violence, it is clear that violence against women and children make them further vulnerable to trafficking. Measures taken should include:

- Creating improved and equal opportunities for girls to access education, jobs and the political sphere, in order for them not to depend on destructive relationships with individuals or family members who take advantage of their vulnerability.
- Developing appropriate services for girls and women who are victims of sexually related crimes.
- Prevention of gender based violence committed against women and girls through the prosecution of the perpetrators.
- Inclusion of men and boys in awareness raising efforts on gender equality and women's and children's rights and their responsibilities as fathers, brothers, governmental representatives, law enforcement, prosecutors, citizens, etc, in enforcing these rights in their daily and professional life.
- Awareness raising on the issue of trafficking with the view of reducing the stigmatization of victims of trafficking and make their reintegration into society easier.

Statistics and data

This research highlighted the difficulty in compiling statistics from counter trafficking cases. Some of the agencies could easily extract data related to their cases from their files, whereas for other actors it seemed difficult and time consuming. Due to differing filing systems and unclear roles it is difficult to get an overview of available data and thus the overall situation and extent of identified cases of trafficking.

- A unified system of data gathering should be developed among all actors assisting trafficking victims, in order to allow for a reliable overview of numbers of cases and trends, as well as to allow for more efficient information sharing.

Inter-Ministerial Working Group

The inter-ministerial working group is encouraged to:

- Establish a sub-working group on the protection of children victims of trafficking, as recommended by the Stability Pact Task Force on Trafficking in Human Beings.
- To include training and capacity building of the ministerial focal points in view of long term sustainability.
- The different Ministries should support the focal points with clear terms of reference, and decision-making power.

IDENTIFICATION AND REFERRAL PHASE

Identification

Until now, no strategies have existed for the proactive identification of children victims of trafficking. This is concerning as children victims of trafficking are entitled to special treatment according to the international

human rights framework. Even if children are identified as such, they may not be afforded with special protection, as many of the actors engaged in assisting victims of trafficking are unaware of these special provisions or do not follow any special procedures when a child victim of trafficking has been identified.

In order to improve the identification of children victims:

- All agencies should develop strategies for the pro-active identification of child victims and for age verification of victims of trafficking and procedures to be followed when a child victim of trafficking has been identified.
- A victim of trafficking, whose age has not yet been verified, but who gives reason to believe is a child, should be treated as such until the actual age has been verified.
- All actors dealing with trafficking victims need access to proper interpreting services in order to communicate with the foreign victims of trafficking.
- All actors should call and involve the CSW when a child victim of trafficking has been identified. The CSWs should appoint legal guardians for all children victims of trafficking. An appropriate solution for the appointment of legal guardians for foreign child victims of trafficking has to be sought.
- TPIU should develop a strategy for actions to be taken in the cases that children are found in off-limit bars or other establishments where there is suspicion that prostitution services may be offered. This strategy should be based on co-operation with CSWs and labor inspection, in order to make sure that no children are working in hazardous environments.
- The tax administration, sanitary and labor inspection needs to be further involved in the issue of trafficking, as they have the mandate to close down bars and monitor the situation of children between 15-17 working, (with or without a contract or tax

payer number), in establishments such as restaurants, coffee bars and hotels.

Initial interview and referral

In view of concerns related to the possibilities for girls and women to identify themselves as trafficked:

- All interviews with women and girls suspected of being trafficking victims should be carried out away from suspected traffickers, bar personnel or clients in the bars, ideally in a different location.

In view of concerns related to the impact of the initial interview and on the speediness of the referral of children victims to the appropriate shelter:

- Children should only be questioned about biographic data after their identification, in order to expeditiously send them to a shelter.
- The total number of interviews and the length of the interviews should be limited as much as possible with increased coordination and information sharing between the different actors.
- No actor should place child victims of trafficking in shelters for domestic violence.

ASSISTANCE AND SHELTER PHASE

The recovery from the trauma experienced by trafficking victims can take years, but if the shelter providers are aware of the needs and best interest of the children, the impact can be minimized.

Issues that should be looked into in relation to the sheltering and assistance phase:

- All assistance to be provided to a child should go via the CSW case manager and

the CSW should be the central point for assistance provided to children victims of trafficking. To provide quality assistance the Ministry of Labor and Social Welfare should develop standards and procedures for social workers to deal with children victims of trafficking.

- Training of NGO and CSW personnel on how to prevent re-victimization of the victims.
- Creating innovative solutions for how to deal with cases when girls refuse to be placed in a shelter and cannot return to live with the family, for example semi-independent living facilities of different types including small independent flats.
- Creation of possibilities of alternative certified schooling for children victims of trafficking in cooperation with the Ministry of Education.
- The actors providing psychological support, should coordinate their services in order not to duplicate the sessions.

REINTEGRATION

Great concerns are related to the current reintegration phase which consists of repatriation and/or reunification with the family, without an extensive assessment of possible negative consequences and the best interest of the child. This is worrying considering that many children victims of trafficking come from dysfunctional families and have been victims of domestic or sexual violence. Very little support is currently given to the child after reunification with the family, leaving her to lead a very isolated life without any educational or recreational activities: a situation, which puts her at risk of re-trafficking.

The following measures are recommended:

- Development of an extensive approach and strategy of family assessment, where the views of the child and legal guardian are weighed together with the past experiences of the child in the family.

- Close monitoring by CSWs of children survivors of trafficking who have been reunified with their families, follow-up visits and assessment of their situation.
- Continued assistance to children survivors of trafficking unified with their families, including provision of education, job search services and vocational training.
- Development and support for alternative solutions for survivors of trafficking who for different reasons cannot be reunified with their families, and no longer need to stay in a shelter, for example semi-independent living facilities and subsidized living.
- Provision of possibilities of long term solutions for foreign children who for different reasons cannot be repatriated to their country of origin.
- Make use of special measures in cases when the witness is a child, such as the appointment of a psychologist, use of video taped statements, exclusion of public, etc., to minimise possible harm or trauma on the child during or after the court proceedings.
- Special procedures should be implemented for collection of evidence to reduce the number of interviews, statements, hearings or unnecessary contacts with the justice process.

CRIMINAL JUSTICE AND CHILDREN VICTIMS

Very few children victims have testified in court, but in the cases where it occurred, there was little effort made to eliminate the negative impact on the children and to improve the quality of the testimony. Therefore, the following measures are recommended:

- Ensure that child witnesses are introduced to the working of the criminal system at an early stage and in a child sensitive way, partly by organising a court school by DOJ VAAU, in order to prepare the children for the court proceedings.
- Ensure that each child victim has a Victim Advocate who is sensitised to children's special needs as well as trained to carry out duties in a child appropriate manner.
- Ensure that children witnesses are fully informed about the security issues before giving the statement.

BIBLIOGRAPHY

Amnesty International (2004), Does that mean I have rights?' Protecting human rights of women and girls trafficked for forced prostitution in Kosovo, AI

CPWC (2003), Annual Report 2002, CPWC Pristina

CPWC (2004), Annual Report 2003, CPWC Pristina

Department of Human Rights and Rule of Law, OSCE Kosovo

Department of Peace Keeping Operations (DPKO) (2004), Policy Paper. Human Trafficking and United Nations Peacekeeping, The document can be found on-line on http://www.womenwarpeace.org/issues/peacekeeping/dpko_mar2004.pdf

Human Rights Watch (2004), World Report, Human rights and Armed Conflicts, Human Rights Watch. The report can be found on-line on <http://www.hrw.org/wr2k4/download.htm>

International Bureau for Children's Rights (2003/3), Guidelines on Justice for Child Victims and Witness of Crime, Montreal

IOM (2004), Return and Reintegration Project. Situation Report February 2000 to December 2003, IOM Kosovo

Jordan Ann D. (2002), The Annotated Guide to the Complete UN trafficking Protocol, International Human Rights Law Group

Limanowska Barbara (2002), Trafficking in Human Beings in South Eastern Europe, Current situation and responses to trafficking in human beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia, Moldova and Romania. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade 2002. The report can be found on-line on www.seerights.org

Limanowska Barbara (2003), Trafficking in Human Beings in South Eastern Europe , 2003 Update on Situation and Responses to Trafficking in Human Beings in Albania, Bosnia and Herzegovina, Bulgaria, Croatia, the Federal Republic of Yugoslavia, the former Yugoslav Republic of Macedonia, Moldova and Romania. UNICEF, UNOHCHR, OSCE/ODIHR. Belgrade 2003. The report can be found on-line on www.seerights.org

Minority Rights Group International (1995), Roma/Gypsies: A European Minority, MRG

OHCHR, Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. Can be found on-line on <http://www.unhchr.ch/html/menu2/dopchild.htm>

OSCE Mission in Kosovo (2001/6), Background Report, Combating Trafficking in Kosovo, OSCE Kosovo

OSCE mission in Kosovo (2002) Victims Advocacy Introductory Manual, OSCE Kosovo

OSCE Mission in Kosovo (2003) Kosovo. R review of the criminal justice system 2002-2003, Department of Human Rights and Rule of Law, OSCE Kosovo

OSCE Mission in Kosovo (2003), Unpublished OSCE bi-weekly report. 10-24 September 2003, Department of Human Rights and Rule of Law OSCE Kosovo

OSCE mission in Kosovo (2003/2), Report on centers for social Work: Social Services,

OSCE Mission in Kosovo (2004), Unpublished OSCE bi-weekly report. 27 February-4March Department of Human Rights and Rule of Law OSCE Kosovo

OSCE, Code of Conduct for OSCE Mission Members, can be found on-line on <http://www.osce.org/secretariat/gender/documents/code-conduct.pdf>

OSCE/ODIHR (2004), National Referral Mechanisms. Joining Efforts to Protect the

Rights of Trafficked Persons. A Practical Handbook. OSCE/ODIHR, Warsaw

Save the Children (2001), Denied Future: the Rights to education of Roma/Gypsy and Traveler children in Europe, Volume 1: SouthEasern Europe, Save the Children London

Save the Children(2002), Child Trafficking in Kosovo, Save the Children in Kosovo, Pristina

Stability Pact for Southeastern Europe/Task Force on Trafficking in Human Beings (2003/12), Statement on Commitments on Victim/Witness Protection and Trafficking in Children

Statistical Office of Kosovo (SOK, 2003), Demographic and Health Survey in Kosovo, SOK 2004

Terre des Hommes (2003), The Trafficking of Albanian Children in Greece, Tirana

UNICEF (2003/5), Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe, UNICEF

UNICEF (2003/9), Child Labor in Kosovo. A study on Working Children, UNICEF Pristina

UNICEF (2004), Situation Analysis of Children and Women in Kosovo, UNICEF Kosovo

UNICEF (forthcoming), Trafficking in children in Bosnia and Herzegovina, UNICEF Sarajevo

UNICEF/ ILO (2000), Investigating Child Labor. Guidelines for Rapid Assessment, A draft, Geneva

UNICRI/TraCCC(2002), Trafficking, Slavery and Peacekeeping. The Need for a Comprehensive Training Program. A Conference Report, UNICRI/TraCCC, Turin

UNIFEM (2000), "No safe place", An assessment on Violence against Women in Kosovo, UNIFEM, Pristina

UNIFEM (2000), Women at work: The Economic Situation and Opportunities of Women in Kosovo, UNIFEM Pristina

UNMIK (2004), Press release: Statement in Reaction to Amnesty International Report, UNMIK Press release, Pristina

INTERNET SOURCES

NATO 2004, NATO's strategic reserve forces deploy to Kosovo, can be found on-line on <http://www.nato.int/shape/news/2004/03/i040319.htm>

KOSOVO LEGISLATION

Labor Law of Socialist Autonomous Province of Kosovo 24/84, 1985, Belgrade

Law of Marriage and Family Relations (1984), Yugoslav Law

UNMIK (1999/12), UNMIK Regulation No. 1999/24 On the Law Applicable in Kosovo, UNMIK, Can be found on-line on <http://www.unmikonline.org/regulations/1999/reg24-99.htm>

UNMIK (2000/8), UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo, UNMIK, Can be found on-line on <http://www.unmikonline.org/regulations/2000/reg45-00.htm>

UNMIK (2001/1), UNMIK Regulation No. 2001/4 On the Prohibition of Trafficking in Persons in Kosovo, UNMIK, Can be found on-line on <http://www.unmikonline.org/regulations/2001/reg04-01.html>

UNMIK (2001/2), the Administrative Direction UNMIK Regulation No. /2001/6 On Business Organizations, UNMIK, Can be found on-line on <http://www.unmikonline.org/regulations/2001/reg06-01.html>

UNMIK (2001/9), UNMIK Regulation No. 2001/19 On the Executive Branch of the Provisional Institutions of the Self-Government in Kosovo, UNMIK. Can be found on-line on <http://www.unmikonline.org/regulations/2001/reg19-01.pdf>

UNMIK (2001/10), UNMIK Regulation No. 2001/27 on Essential Labor Law in Kosovo, UNMIK, http://www.unmikonline.org/regulations/2003/RE2003_04%20.pdf

UNMIK (2003), UNMIK Administrative Direction No. 2003/xx (draft), on Implementing UNMIK Regulation No. 2001/4 on the Prohibition of Trafficking in Persons in Kosovo

UNMIK (2003), UNMIK Regulation No. 2003/25 on the Provisional Criminal Code of Kosovo, UNMIK, can be found on-line on http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf

UNMIK TPIU (2003), End of the year report, TPIU HQ Pristina

ANNEX A.

LIST OF PARTICIPATING ACTORS

Interviews have been carried out with representatives of the following actors:

GOVERNMENTAL ACTORS

Border and Boundary Police (BBP)

Centers for Social Work- Ministry of Labor and Social Welfare (CSW-MLSW)

Department of Social Welfare-Ministry of Labor and Social Welfare (DSW-MLSW)

Executive Agency for Labor Inspection-Ministry of Labor and Social Welfare

Interim Security Facility (ISF)

Kosovo Tax Administration - Ministry of Public Services (KTA-MPS)

Labor Inspection-Ministry of Labor and Social Welfare (MLSW)

Ministry of Culture, Youth and Sport (MCYS)

Ministry of Education, Science and Technology (MEST)

Ministry of Health (MoH)

Office on Good Governance, Human Rights, Equal Opportunity and Gender (Prime Minister's Office)

Office on Missing People and Forensics (OMPF)

Sanitary Inspection-Ministry of Labor and Social Welfare

Trafficking and Prostitution Investigation Unit (TPIU)

Victim's Advocacy and Assistance Unit-Department of Justice (VAAU-DOJ)

INTERNATIONAL ACTORS

Amnesty International (AI)
Care International (Care)
Hope and Homes for Children (H&H)
International Labour Organisation/IPEC Programme in Kosovo
International Organization for Migration (IOM)
Organization for Security and Co-operation in Europe (OSCE)
OSCE Department of Human Rights and Rule of Law (HRRoL/OSCE)
OSCE Legal Systems Monitoring Section (LSMS/OSCE)
OSCE Victim Advocacy and Support Section (VASS/OSCE)
Save the Children in Kosovo (SCIK)
Swedish KFOR
U.S Office Pristina, Kosovo (USOP)

LOCAL ACTORS

Afrodita Woman Union
Center for Protection of Victims and Prevention of Trafficking in Human Beings (CPVPT)
Center for Protection of Woman and Children (CPWC)
Center for Protection of Woman's Right-Lirija
Center for Woman and Children-Safe House
Kosovo Woman's Network (KWN)
One to One Kosovo, Centre for family counselling
Red Cross of Kosovo (RCK)
Safe House, shelter for victims of domestic violence
Woman's Wellness Center-Safe House

ANNEX B.

STEERING BOARD MEMBERS

A steering board was set up in the initial stage of this project. The board met at interval points during the study to discuss the terms of reference, methodology and the main findings.

- Center for Protection of Victims and Prevention of Trafficking in Human Beings (CPVPT)
- Center for Protection of Woman and Children (CPWC)
- Department of Social Welfare-Ministry of Labor and Social Welfare (MLSW-DSW)
- Victim's Advocacy and Assistance Unit-Department of Justice-UN Pillar I, Justice and Police (VAAU-DOJ)
- Hope and Homes for Children (H&H)
- International Organization for Migration (IOM)
- Office on Good Governance, Human Rights, Equal Opportunity and Gender - Office of the Prime Minister
- Save the Children in Kosovo (SCIK)
- Trafficking and Prostitution Investigation Unit (TPIU)

ANNEX C.

GUIDING QUESTIONS FOR CHILDREN VICTIMS OF TRAFFICKING

WHAT WE WANT TO KNOW	QUESTIONS TO CHILDREN
<p>Identification (Guidelines 1) We want to know how the child was identified and if something could have been done to identify the child (or children in general) at an earlier stage. What the child felt when being identified.</p>	<ul style="list-style-type: none"> -How were you saved? -Had you seen any police officers entering the place where you were experiencing bad things, before the day you were saved? -What happened the day that you were saved? -Who saved you? -How did the person that saved you know that you wanted help?
<p>Guardian We want to know if a guardian was appointed and if the child knows who it is and the guardians role.</p>	<ul style="list-style-type: none"> -Do you have any person with you when you go to interviews (the same person always)? -Have you met any other people from the day that you were saved until you came here, (except from the shelter personnel?)
<p>Referral system and interviews We want to know how the child was referred to the shelter. How long it took, who brought the child there and how many interviews the child has been through and what the child thinks about this.</p>	<ul style="list-style-type: none"> -How did you come here? -What do you think about the way you came to this house? -How did you feel between the time that you were "rescued" until the time that you came to this house? Was it long? -Who brought you here? -How many times have you been asked questions about your bad and difficult experiences? (how does it feel?) -Do you know who is asking you these questions and why?
<p>Shelter (interim care and protection) We want to know how the child feels in the shelter, if all needs are fulfilled, how the child feels about the composition of the victims in the shelter. Which services are being provided and how the child is feeling in general, what he or she likes and does not like.</p>	<ul style="list-style-type: none"> -How do you feel sharing this space with adults? (if this is the case) -How do you feel being mixed with victims (of domestic violence) with other experiences than yours? -Services provided -Activities (reintegration component) -Family links -Safety (do you feel safe?)
<p>Case assessment We want to know how much the child is involved in the discussions about what will happen in the future, how much the child feels that he or she can influence and with whom she speaks about these issues</p>	<ul style="list-style-type: none"> -Priorities for the future (what would you like to do when you get home)? -Who is making decisions about your future? -Do you feel that you can influence the decisions taken about your future? -To whom do you speak about future?
<p>Judicial proceedings and safety We want to know to what degree the child is informed about the judicial procedures, info on the possibility and right to testify or refrain from testifying, the possibility of using electronic testimony, if the child has been given time to think, what the child thinks about it and how much is spoken about security issues and if the child is worried.</p>	<ul style="list-style-type: none"> -Have you been informed about how the information that you have given to the police is going to be used? -Have you been asked if you want to give information about what happened to you in court? -Have you been given time to think about this (recovery time)? -Has someone explained to you how the court system works? -What would you think about being filmed once and after that not having to answer more questions - Do they feel safe and have you been speaking with someone about security?

ANNEX D.

QUESTIONNAIRES FOR CENTERS FOR SOCIAL WORK

Introduction

(Important to read this before answering the questions)

UNICEF is carrying out a study on child trafficking in the Kosovo with the main aim of analyzing the statistics and data on cases of identified child victims of trafficking as well as the services available and provided to them. The study is important for creation of future responses to child trafficking in the country.

Who is a child?

The definition of a child, according to the International Convention on the Rights of the Child, is any person under 18 years old. Thus, in this questionnaire, every time a reference is made to a child, we mean a person under the age of 18 years old.

What is trafficking?

Child trafficking is the act of recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation either within or outside a country.

The exploitation could be everything from prostitution or other forms of sexual exploitation to forced labor.

The victims of trafficking will in this study be divided according to the forms of exploitation, thus into

-child victims of sexual exploitation

-child victims of labor exploitation (other exploitation than sexual)

A distinction is also made between Kosovar children who are trafficked internally or to a foreign country and foreign children who have been trafficked into Kosovo.

A. The Institution

1. Name and municipality of institution

2. Name of person filling in this questionnaire? (The name of the person is asked only in the case that we would need to clarify anything at a later stage, but will remain anonymous in the report)

B. Assessing the situation of trafficking in the municipality

This section will deal with your perceptions of the situation of the problem of trafficking in your municipality.

3 a. What is the view of your CSW on the problem of trafficking in children in your municipality?

4 b. What is the view of your CSW on the problem of trafficking in foreign children in your municipality?

Further comments/information:

5. Has your center been in contact with or assisted (circles right alternatives):

- a) Children victims of internal trafficking
- b) Foreign victims of trafficking
- c) Cases of national victims returned to Kosovo

6. The children victims of trafficking that you have assisted, were: (please circle)

- a) Victims of trafficking for sexual exploitation
- b) Victims of trafficking for other exploitation (not sexual)

7. Have you noticed any increase in children begging or selling things on the streets in your municipality? (if yes continue to question 8, if no go to question 10)

8. If yes, from where are the children?

9. What is your perception of why the children are working on the street (selling, begging, etc.)

10. Do you believe that any of these children have been trafficked?

Further comments/information:

C. Procedures of the CSW

11. Is there is a specific case manager who is in charge of trafficking cases in your SCW?

12. Does this person also serve as a guardian for the child victim?

13. If no, who serves as guardian?

14. Do you follow any special procedures when dealing with cases of trafficked children and which are these?

15. What would you identify as the main obstacles that you encounter when assisting children victims of trafficking, explain:

16. What are your procedures for identifying if a child has been trafficked?

17. By which organizations have you been contacted when they have identified a case of child trafficking in your municipality?

Organizations	Contact (cross)	Frequency (cross)
TPIU	Yes/no	Always, Sometimes, Seldom, Never
IOM	Yes/no	Always, Sometimes, Seldom, Never
OSCE	Yes/no	Always, Sometimes, Seldom, Never
CPWC	Yes/no	Always, Sometimes, Seldom, Never
H&H	Yes/no	Always, Sometimes, Seldom, Never
Border guards	Yes/no	Always, Sometimes, Seldom, Never
Others, please specify below	Yes/no	Always, Sometimes, Seldom, Never
		Always, Sometimes, Seldom, Never

18. With which institutions are you co-operating when you have a case of child trafficking?

Cooperation partner	Fields of cooperation	Evaluation of the cooperation	Comments
TPIU		excellent good average bad	
OSCE		excellent good average bad	
IOM		excellent good average bad	
ISF		excellent good average bad	
CPWC		excellent good average bad	
Border guards		excellent good average bad	
PVPT H&H		excellent good average bad	
ISF		excellent good average bad	
Other, please specify below:		excellent good average bad	
		excellent good average bad	

D. Cases recorded by the CSW

In this section we would like to know in how many cases of child trafficking your CSW has been involved. We would like to make a distinction between the cases that were referred to you by other organizations and the cases that were identified by you. In other words a distinction should be made between cases when you are called upon by another agency that has identified child trafficking victims and cases where your CSW was the first point of contact for the victim.

19. In order to be able to see tendencies of trafficking in children in Kosovo as a function of time, we would need to know how many cases of child trafficking you have identified or been referred to between 2000 until today.

Year	Cases identified by your CSW		Cases referred to your CSW	
	Cases of internal trafficking	Cases of foreign victims	Cases of internal trafficking	Cases of foreign victims
2000				
2001				
2002				
2003				
2004 (until April)				
Total:				

20. In order to obtain a broader picture on the distribution of the total cases of child trafficking, according to gender, age and type of exploitation, we would like you to fill in the following 2 tables, where the difference between cases identified directly by you and the cases referred to you by an other agency are still maintained.

20 a) Total number of cases identified by your CSW

DISTRIBUTION OF TOTAL CASES OF TRAFFICKING IDENTIFIED BY THE CSW (BETWEEN 2000 - TODAY)

	Victims of internal trafficking		Foreign victims of trafficking	
	for the purpose of sexual exploitation	For the purpose of other types of exploitation	for the purpose of sexual exploitation	For the purpose of other types of exploitation
Minors	Female			
	Male			
Adults	Female			
	Male			

20 b) Total number of cases identified by other organizations, to which you have been referred.

DISTRIBUTION OF TOTAL CASES OF TRAFFICKING REFERRED TO THE CSW(BETWEEN 2000 - TODAY)

		Victims of internal trafficking		Foreign victims of trafficking	
		for the purpose of sexual exploitation	For the purpose of other types of exploitation	for the purpose of sexual exploitation	For the purpose of other types of exploitation
Minors	Female				
	Male				
Adults	Female				
	Male				

We would like to get some information about the socio-educational data of the Kosovar children victims of trafficking within Kosovo or to another country, that were assisted by your CSW:

21. Are there any characteristics that can be drawn from the family environment of the children who have become victims of trafficking?

22. Have any of the children identified as victims of trafficking, been in contact with or assisted by the CSW previously to the date when they were trafficked?

23. If yes, in what kind of circumstances, please specify?

ENDNOTES

¹Currently administered by the United Nations pursuant to Security Council resolution 1244

²While the actors involved in providing assistance to trafficking victims agreed internal trafficking is increasing, there was a question mark regarding the numbers presented by different sources and the percentage of children among trafficking victims in general.

³In this report, for reasons of clarity and practicality, the word "survivor" will be used when referring to the children who were interviewed for this study and in all other cases, the word "victim" will be used.

⁴The distinction is not clear-cut, as someone trafficked for the purpose of labor exploitation can also be sexually abused by the trafficker or other persons.

⁵Limanowska Barbara(2003), Trafficking in Human Beings in South Eastern Europe, p. 6

⁶Terre des Hommes (2003), p. 12

⁷Limanowska Barbara(2003), Trafficking in Human Beings in South Eastern Europe, p. 4. For the Palermo definition, see chapter 3.1.

⁸Ibid, p. 5

⁹Ibid, p. 5

¹⁰Ibid, p. 194

¹¹Ibid, p. 193

¹²UNIFEM(2000), No safe place, p. 93

¹³Ibid, p. 93

¹⁴Punished by a fine or imprisonment up to 3 years and in the case of a child between 16 - 18 years old with imprisonment from one to ten years and in the case of a child under 16, with from one to twelve years imprisonment.

¹⁵OSCE(2001), Background Report. Combating Trafficking in Kosovo, p. 3

¹⁶UNIFEM(2000), No Safe Place, p. 93. According to NATO, KFOR consisted of 18,500 troops by March 2004. <http://www.nato.int/shape/news/2004/03/i040319.htm>

¹⁷Save the Children(2002), Child Trafficking in Kosovo, p- 18-19

¹⁸As far as the KFOR soldiers concerns, some countries have very strict rules for their soldiers in order to prevent visits to brothels, whereas other countries have a more relaxed view on what the soldiers do in their spare time. According to TPIU Mitrovica, in February 2003, 30 French KFOR soldiers were found in an off-limit bar in North Mitrovica. According to the TPIU Mitrovica, French KFOR soldiers are regularly found in bars in North Mitrovica.

¹⁹For examples of cases, see Amnesty International(2004), Does that mean I have rights?, p.41-47

²⁰See chapter 8.2

²¹Number provided by TPIU in Prizren/Prizren and Prishtina/Prishtina

²²According to Kosovo Provisional Criminal Code Article 139 (5): Whoever uses or procures the sexual services of a person with the knowledge that such person is a victim of trafficking shall be punished by imprisonment of three months to five years. (6) When the offence provided for in paragraph 5 of the present article is committed against a person under the age of 18 years, the perpetrator shall be punished by imprisonment of two to ten years. The OSCE Code of Conduct includes the following wording: "Mission members shall be aware that the use of the services of a person suspected of being a victim of trafficking contributes both to the profit of traffickers and the harm to victims. Mission members shall adopt exemplary standards of personal behaviour to ensure the OSCE is contributing to combating trafficking in human beings, and

is not exacerbating the problem."
<http://www.osce.org/secretariat/gender/documents/code-conduct.pdf>

²³Madona case, 2002.

²⁴UNICRI/TraCCC(2002), Trafficking, Slavery and Peacekeeping, p. 28

²⁵DPKO Position Paper. "Human trafficking and United Nations Peacekeeping" (March 2004). Can be found online on http://www.womenwarpeace.org/issues/peace-keeping/dpko_mar2004.pdf

²⁶Interview TPIU HQ. IOM (2003), Return and Reintegration Project. Situation Report February 2000 to December 2003, p. 8

²⁷UNICEF(2004), Situation Analysis of Children and Women in Kosovo, chapter 1.1.4

²⁸UNICEF(2004), Situation Analysis of Children and Women in Kosovo, chapters 3.1 and 3.2

²⁹UNIFEM(2000), No Safe Place, p. 40

³⁰UNICEF(2004), Situation Analysis of Children and Women in Kosovo, chapter 3.3

³¹UNICEF(2004), Situation Analysis of Children and Women in Kosovo, chapter 3.1.1

³²UNICEF(2004), Child labor in Kosovo, p. 37

³³UNICEF(2004), Situation Analysis of Children and Women in Kosovo, chapter 1.4.2

³⁴UNICEF(2004), Situation Analysis of Children and Women in Kosovo, Chapter 3.3

³⁵Statistical Office of Kosovo(2004), Demographic and Health Survey in Kosovo, p. 46, Table 5.6

³⁶Statistical Office of Kosovo(2004), Demographic and Health Survey in Kosovo, p. 46

³⁷UNICEF (2004), Child labor in Kosovo, UNICEF, Pristina

³⁸UNICEF (2004), Child labor in Kosovo , p.54, 55

³⁹UNIFEM (2000), No Safe Place. An assessment on Violence against Women in Kosovo p. 36-37

⁴⁰UNICEF(2004), Situation Analysis of Children and Women in Kosovo, chapter 5.5

⁴¹UNICEF(2004), Situation Analysis of Children and Women in Kosovo, Chapter 5.5

⁴²The practice of sexual violence, committed by armed forces against women and girls during 1998-1999 has been documented by various actors and presented in a report by UNIFEM: UNIFEM(2000)No Safe Place: An Assessment on Violence against Women in Kosovo, UNIFEM, Pristina

⁴³According to Human rights Watch(2004), World Report, Human rights and Armed Conflicts, p. 328

⁴⁴CPWC, interview

⁴⁵UNICEF(2004), Situation Analysis of Children and Women in Kosovo, Chapter 1.2.2

⁴⁶UNIFEM(2000), Women at work, p. 34

⁴⁷UNIFEM(2000), Women at work, p. 90

⁴⁸UNIFEM(2000), Women at Work, p. 108

⁴⁹UNIFEM(2000), Women at Work, p. 47

⁵⁰"A person under the age of 18 may not enter into matrimony. On reasonable grounds the competent court may allow adolescents over the age of 16 to enter matrimony, upon his proposition. If the court deems the person has reached physical and psychological maturity necessary to exercise his rights and to carry out obligations deriving from the marriage. Before a decision is reached, the court shall consider the opinion of the organ of guardianship, shall listen to the adolescent and his parents, or his care -taker and the person he intends to marry, to obtain records of a health organization and shall investigate other circumstances that are important for reaching a decision."

⁵¹With "mean age" is meant that all respondent's ages at

first marriage are added up and then divided with total amount of respondents.

⁵²Jordan A(2002), The annotated Guide to the complete UN trafficking protocol", HRLG, p. 10

⁵³OSCE (2003), unpublished Bi-weekly report 10-24September, p. 2

⁵⁴Reference document is the UNICEF/ ILO(2000), " Investigating Child Labor. Guidelines for Rapid Assessment"(draft), Geneva

⁵⁵Please see the appendix B for a list on the members of the Steering Committee.

⁵⁶Please see the appendix A for a list on the participants in the study.

⁵⁷Given the difficulty of accessing victims of trafficking, only a reduced number could be interviewed. This number may not be significant to generalize, but can give us some inputs and ideas of the views of children victims of trafficking.

⁵⁸For example, if the girl referred to the shelter as a house, or the trafficker as a friend, the same terminology would be used by the interviewer.

⁵⁹The questionnaire guide can be found in Annex C.

⁶⁰For example a name of a village has been replaced by "village" and the name of a male person by "man"

⁶¹The questionnaire can be found in Annex D.

⁶²Trans-border in this context would mean that the crime has been organised in different countries or that the victim is transferred over borders.

⁶³Optional Protocol to the Convention on the Rights of the Child: www.unhchr.ch/html/menu2/dopchild.htm

⁶⁴According to UNMIK Regulation 1999/24, applicable law in Kosovo consists of 1) regulations promulgated by SRSG, 2) law applicable before 22 March 1989, 3) law applied between 22 March 1989 and 12 December 1999 and 4) some international human rights instruments according to Regulation 2001/09

⁶⁵The last draft of the Administrative Directive, was due to enter into force in October 2003 and included the establishing of an application process for assistance to trafficking victims via a panel. This draft was criticized by Amnesty International from a human rights point of view as the victims themselves are foreseen to have to provide evidence to support their application for assistance and as the application process may take up to 30 days. Further, Amnesty International pointed out the problem of ensuring the victim's rights to confidentiality in view of having a panel in charge of the application process. More about Amnesty International's criticism can be found in Amnesty International(2004), Does that mean that I have rights, p. 29-30

⁶⁶Head of the Executive Agency for Labor Inspection, interview. This is in accordance with Article 95 of Labour Law of Socialist Autonomous Province of Kosovo, 24/84

⁶⁷Head of the Executive Agency for Labor Inspection, interview

⁶⁸According to the UNIMK Regulation 2000/45, achieving the working authorization from the Labor inspection, the following conditions have to be met:

1. Registration certificate issued by the Ministry of Trade and Industry in accordance with the UNMIK Reg 2001/6,
2. Authorization on construction and location, issued by the Ministry of Environment and Spatial Planning
3. Property authorization
4. Acceptance of the Inspection Directorate
5. Payment certificate of first or second rate, to issue the authorization, according to the regulation on fees and municipal requirements.
6. Identification document

⁶⁹Out of the foreign girls registered, 2 were Moldavian 3 from Serbia and Montenegro and the rest of Albanian ethnicity from FYROM, Albania or South Serbia.

⁷⁰Employees in contact with food have to renew the certificate every 6 months, whereas employees in contact with make-up and medicines have to renew the certificate once a year.

⁷¹This is concerning, as identified children victims of trafficking have related that they have been working after 10 pm in bars and coffee places. The Labor inspection pointed out the difficulty in finding evidence that children are working after 10 pm, as children, who are suspected to be working in bars, mostly say that they are customers in the establishment.

⁷²However, according to Amnesty International (2004), Does that mean I have rights?, p. 25, there is one case when the Regulation 2001/27 has been used to justify the closure of a bar.

⁷³There are also rumours of Kosovo being used for transit, but it has not been confirmed more than in some cases where girls have been sold abroad after a period of exploitation in Kosovo

⁷⁴UNIFEM(2000), No Safe Place, p. 84

⁷⁵Ibid, p. 85

⁷⁶Percentages are extracted from data of cases gathered for this study and presented in chapter 6

⁷⁷Although, during interviews with children survivors of trafficking, no questions were asked regarding their family background or trafficking experience, some children spoke about these issues by themselves

⁷⁸CPWC interview and Amnesty International(2004), Does that mean I have rights?, p. 18

⁷⁹Information extracted from case stories of Kosovar children victims of trafficking provided during interviews with IOM and shelter personnel

⁸⁰According to Amnesty International(2004), Does that mean I have rights?, p. 20, the main destination for Kosovar victims trafficked abroad is the ethnic Albanian areas of FYROM

⁸¹In this statement Macedonia is used to refer to the country FYROM, as this was how the girl referred to the country

⁸²IOM(2003), Return and Reintegration Project, Situation Report February 2000 to December 2003, p.3

⁸³IOM, interview

⁸⁴IOM is about to complete a report on the trafficking trends based on data collected from interviews with assisted trafficking victims.

⁸⁵IOM(2003), Return & Reintegration Project. February 2000-December 2003, p. 3

⁸⁶Ibid, p. 4

⁸⁷Ibid, p. 3

⁸⁸Ibid, p. 6

⁸⁹Ibid, p. 5

⁹⁰Ibid, p.7

⁹¹TPIU Pristina, interview

⁹²IOM(2003), Return & Reintegration Project. February 2000-December 2003, p. 8

⁹³IOM(2003) Return and Reintegration Project. February 2000-December 2003, p. 11

⁹⁴Interview with IOM

⁹⁵Interviews with border guards and TPIU regional offices

⁹⁶Interview with TPIU Prizren

⁹⁷See for example, Terre des Hommes (2003), Trafficking in Albanian children to Greece, Tirana.

⁹⁸UNICEF(2004), Child Labor in Kosovo, UNICEF, Pristina

⁹⁹Interview with IOM

¹⁰⁰For example, RTK(main TV station in Kosovo),

Program: "Yekhipe", mid April 2004 and TV21, 5 minutes report, mid April and Documentary(25 min): "Negative Image", end of April 2004.

¹⁰¹An illustrating example can be found in a UNICEF child trafficking study in Bosnia and Herzegovina, which included focal group discussions with the aim of measuring the awareness and views of the population on the issue of begging children and trafficking for labor exploitation. The majority of people saw the begging of Roma children as culturally related and as something which could not be changed, whereas in the cases of begging children from the majority population, their needs of improved socio-economic situation was stressed. UNICEF(forthcoming), Trafficking in children in Bosnia and Herzegovina, UNICEF, Sarajevo

¹⁰²During the time of this study, a 15 year old boy from Albania was identified by TPIU as a victim of trafficking for begging, after he went to a police station to ask for assistance. The boy had been recruited on the street in Tirana and arrived in Kosovo together with 3 other people, who started to force him to beg and used methods such as burning his skin with cigarettes. (Information provided by TPIU officer in Gijlan/Gnjilane)

¹⁰³Minority Rights Group International(1995),Roma/Gypsies: A European Minority, p. 7

¹⁰⁴Minority Rights Group International(1995),Roma/Gypsies: A European Minority, p. 7

¹⁰⁵Save the Children(2001), Denied a Future, p. 20

¹⁰⁶Idem , p. 19

¹⁰⁷Idem , p. 19

¹⁰⁸Minority Rights Group International(1995),Roma/Gypsies: A European Minority, p. 14

¹⁰⁹See for example: Minority Rights Group International(1995),Roma/Gypsies: A European Minority, p.13

¹¹⁰Telephone conversation with TPIU HQ

¹¹¹This data is compiled from data requests sent to all 5 regional TPIU offices. After the forms were completed by the TPIU regional offices, it was understood that some TPIU offices consider as trafficking cases, only the cases which were concluded as such by court. Other TPIU offices register all cases which have been identified as trafficking cases by TPIU, irrespective of the outcome of the court case.

¹¹²Data compiled from questionnaires completed by all 31 CSWs in Kosovo

¹¹³The statistics in table 3 differs from table 2 with a discrepancy of 5 children victims of trafficking (2 foreign and 3 Kosovar). It is possible that some CSWs accidentally left out some cases when doing the breakdown per year. However, the table is still included in the report in order to give an overview of the trends of cases per year

¹¹⁴Statistics compiled from data provided by 5 local NGOs with shelters for domestic violence. Some of the NGOs did not have specific files for trafficking victims and only in some cases data on the ethnicity and nationality was provided

¹¹⁵Concern has been expressed at several occasions regarding the reliability of the data of CPWC. See Amnesty International (2004), Does that mean I have rights?, p, 17 (footnote 107), Limanowska (2003), Trafficking in Human Beings in SEE, p. 174, Regional Clearing Point (2003), Entity report: Kosovo, p. 139, Save the Children(2002), Child trafficking in Kosovo, p. 23. It is clear from the annual report of 2003 of CPWC that

the same case may be counted more than once and registered as separate cases if the same person is assisted during different years. CPWCs works very independently without much cooperation with police or CSW, which makes it difficult to cross check the CPWC numbers with data given by other actors, in order to eliminate duplicated cases.

¹¹⁶According to a questionnaire, completed by the CSWs, 22 out of 29 respondents classify the case in accordance with police report

¹¹⁷8 out of 31 CSWs participating in the UNICEF questionnaire, stated that they had been contacted by IOM regarding a child trafficking victim identified in their municipality

¹¹⁸The MLSW with the support of UNICEF is currently establishing a data base system in all CSWs, which will be able to generate statistics and follow-up of all different social cases.

¹¹⁹For an extensive description of the creation and operation of an effective National Referral Mechanism, see OSCE/ODIHR (2004), National referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons, OSCE/ODHR, Warsaw

¹²⁰UNICEF(2003), Guidelines for the Protection of the Rights of Children Victims of Trafficking in South Eastern Europe, p. 15

¹²¹HQ Regional Boundary Police, interview

¹²²As an example of numerous locations where it is easy to pass illegally into Kosovo, the research team was shown a place, just 200 meters from the original border crossing point at Hani I Elezit/Djeneral Jankovic, which is frequently used for smuggling or crossing illegally from FYROM to Kosovo.

¹²³For this study, the researchers interviewed the Chief of Operations and Regional commander of the Border and Boundary Police as well as visited and conducted interviews with border police officers at two border crossing points; Hani i Elezit/Djeneral Jankovic (border to FYROM) and Verbica (border to Albania). Further the researchers met representatives from the immigration unit, investigation unit and document expert unit in the airport of Pristina.

¹²⁴Interview, border police at border crossing point

¹²⁵Information from interviews with border police at two border crossing points as well as the Boundary Police HQ

¹²⁶According to Amnesty International(2004), Does that mean I have rights?, p. 12, around 10 trafficked women per week are entering Kosovo via Pristina airport

¹²⁷According to TPIU(2003), End of the Year Report, p. 2. This number was valid at the end of 2003

¹²⁸UNMIK TPIU(2003), End of the year report, p.2

¹²⁹For example, see: Limanowska(2003), Trafficking in Human Beings in SEE p. 193

¹³⁰Amnesty International(2004), Does that mean I have rights?, p. 24

¹³¹UNMIK TPIU(2003), End of the year report, p.8

¹³²There is no legal basis for the TPIU registration system

¹³³This is the certificate issued by the Ministry of Health as described in chapter 3.2. According to TPIU Mitrovica, no sanitary card is necessary for registration with TPIU Mitrovica.

¹³⁴In practice this most commonly means that the bar owner goes out of the room and waits just outside the door. Only in one regional TPIU office, the practice is to ask the bar owner to leave the police office in order to make the women feel more comfortable.

¹³⁵According to findings from IOM interviews, during the first 2-3 days in the bar, the girls are not forced to prostitution. It is probable, that it is during these first days that

the girls are brought to the initial interview with TPIU, which means that it could be possible that, at that stage they do not know that they are going to be forced to work as prostitutes.

¹³⁶Whereas this, according to TPIU, is a protection measure, one case was related where a woman came with her boss to report her return to her home country to the TPIU and thereafter was sold by the bar owner to a trafficker in FYROM.

¹³⁷According to Amnesty International (2004), Does that mean I have rights?, p. 24, in 2002, 15-20 per cent of the persons registered in the TPIU database were children. This percentage had been taken from the TPIU annual report of 2002

¹³⁸See chapter 3.2 on domestic legislation

¹³⁹One comment from a TPIU officer was very concerning when saying that "we do not have any problems with the off-limit bar owners as they know our rules and always bring their girls to register with us."

¹⁴⁰This could be illustrated by the closure sentence in the UNMIK Press release "Statement in reaction to Amnesty International Report":

UNMIK's message to the victims of trafficking is this: come forward to the police and you will be rescued; when police raid your places of imprisonment cooperate with them.

UNMIK/PR/1180, 6 May 2004

¹⁴¹The wording of the questions referred to: If you dance, do you dance on a table and are you topless? What happens if a costumer attempts to touch your genitals or kiss you when you are working?

¹⁴²Some of the TPIU officers tended not to recognise the definition of a child as someone under 18, but rather up to either 14 or 16 years old.

¹⁴³Data provided by IOM

¹⁴⁴IOM, interview

¹⁴⁵This chapter is partly based on information from a questionnaire which was completed by all CSWs and interviews with representatives of 7 CSWs

¹⁴⁶OSCE(2003), Report on Centers for Social Work, p. 12

¹⁴⁷22 out of 29 respondents classify the case in accordance with police report

¹⁴⁸CSW North Mitrovica, interview

¹⁴⁹25 out of 29 responding CSWs stated that they do not have any specific case manager for trafficking cases

¹⁵⁰Considering the low salaries of the social workers this is a big obstacle.

¹⁵¹OSCE(2004), Bi-weekly report 27 February-4March 2004, unpublished, p. 3

¹⁵²OSCE(2004),Bi-weekly report 27 February-4March 2004, unpublished, p.4

¹⁵³CPWC(2003), Annual report, p. 6

¹⁵⁴<http://www.stabilitypact.org/trafficking/default.asp>

¹⁵⁵The forensic clinic is open 24 hours and is equipped with modern technology.

¹⁵⁶According to the outcome of the UNICEF questionnaire to the CSWs: 23 out of 31 (74%) of the CSWs define children as someone under 18, whereas 3 out of 31 (10%), get confused with the old juvenile justice definition (0-14 child, 14-16 minor, 16-18 juvenile) , 3 (10%) CSWs define a child as someone below 14 and 2 gave unclear answers.

¹⁵⁷A committee within the DSW could be responsible for taking decisions in the best interest of the child.

¹⁵⁸This person should serve as a resource person and handle most of the trafficking cases. If the focal point gets overloaded with work, another person could still be assigned the case, but should get support and advice from

the trafficking focal point.

¹⁵⁹This procedure is currently not needed in Kosovo as there is no VISA policy

¹⁶⁰Some of the shelters have expressed concern that the IOM does not have any time plan for their visits and activities in the shelters, and thus they often interrupt activities which are carried out by the shelter personnel.

¹⁶¹One to One, interview

¹⁶²According to information provided by UNICEF Moldova, the assessment of the family situation and possibilities for reunification with the family, starts once the child is back in Moldova and staying at the Child Friendly Wing: a specialized living for children of the IOM shelter.

¹⁶³According to IOM, in one case, a girl who came back to her home country from Kosovo was assisted to move in to a flat in another village with her mother in order to be able to go to school, as she was stigmatised in the village where she came from.

¹⁶⁴One international NGO is currently in the process of developing a project of a semi-independent living facility where girls who cannot return home will be moved after they have been in a shelter, when they are ready for living more independently.

¹⁶⁵OSCE (2002), Victim Advocacy Manual, p. 21

¹⁶⁶Before the coming into force of the new CC, the investigative judge was in charge of the investigative phase. After 6 April, the investigative phase is taken care of directly by the prosecutor.

¹⁶⁷According to Article 156:2 of the Provisional Criminal Procedure Code

¹⁶⁸This is in accordance with applicable law in Kosovo before 6 April 2004; the Regulation 2001/4, section 5.1 as the giving of a statement of the victim should not inhibit her/his voluntary repatriation.

¹⁶⁹UNMIK signed the Sofia Statement on Commitments on Victim/Witness Protection and Trafficking in Children in December 2003, which sets out the responsibilities of states to ensure that victims of trafficking get all information about the right to testify or to refrain from testifying and that their assistance is not depending on the will to testify. Further, the signatories agreed to develop and implement laws on victim's protection including procedural rights (e.g. possibilities to use a videotaped testimony)

¹⁷⁰OSCE (2003), Kosovo. Review of the criminal justice system 2002-2003, p. 17

¹⁷¹One of the children was going to be a witness, but withdrew the statement.

¹⁷²OSCE (2003), Kosovo. Review of the criminal justice system, p. 12-13

¹⁷³Idem, page 19

¹⁷⁴These special measures include: Omitting or expunging names, Non-disclosure of records, Efforts to conceal features or physical description, Assignment of a pseudonym, Closed sessions of court procedures to the public, orders to defence council not to reveal the identity of the witness, Orders for the temporary removal of the accused from the courtroom, Anonymity

¹⁷⁵Information provided by DOJ VAAU

¹⁷⁶OSCE (2003), Kosovo. Review of the criminal justice system 2002-2003, p. 43

¹⁷⁷DOJ VAAU, interview

¹⁷⁸Information provided by DOJ VAAU



Published by:
United Nations Children's Fund - UNICEF
Ali Pashë Tepelena, No. 1
Pristina, Kosovo Office

Telephone: + 381 38 249 230/ 231/ 232
Facsimile: + 381 38 249 234
prishtina@unicef.org
www.unicef.org